

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 19/01232/PP

Planning Hierarchy: Major Application

Applicant: Scottish Water

Proposal: New wastewater treatment works including installation of underground plant, 2 control kiosks, administration building and perimeter fence, new access track and mounded landscaping. Existing works - Removal of plant and installation of underground tanks, control kiosk and outfall pipe.

Site Address: Sewage Works and Land West Of Existing Works Clachan Seil Isle of Seil

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

New Site

- Erection of Waste Water Treatment Works (WwTW)
- Erection of Administrative Building
- Erection of control kiosks
- Formation of new access track
- Construction of low level bridge.
- Associated plant and machinery related to the operation of the site
- Formation of mounded peat landscape features
- Erection of perimeter fence

Existing Site

- Removal of existing WwTW plant
- Installation of underground storage tanks, and outfall pipe.
- Installation of underground plant,
- Erection of control kiosk
- Erection of perimeter fence
- Landscaping

(ii) Other specified operations

- Improvements to existing field access point
- Formation and maintenance of junction and sight lines

- Associated landscaping works
- Other associated operations
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(B) RECOMMENDATION: It is recommended that Members

- i. Agree to a hearing prior to formal determination
- ii. Endorse the findings of the ACE
- iii. Determine that Planning Permission should be Granted subject to conditions.

(C) HISTORY: Yes

08/01001/DET	Combined waste water treatment works with formation of access lay-by Approved 26.6.08
10/01765/NMA	Non Material Amendment to 08/01001/DET (Combined waste water treatment works with formation of access lay-by) for removal of membrane plant covers and sludge tank. Approved 4.11.10
12/01263/PP	Erection of timber fencing and installation of rubber matting covers to existing apparatus. Approved 20.9.12
14/00638/NMA	Non Material Amendment to planning permission 08/01001/DET- (Combined waste water treatment works with formation of access lay-by) - Combined waste water treatment works with formation of access lay by and change of tank covers. Approved: 13.3.14
18/01871/SCREEN	EIA Screening request for proposed wastewater treatment works. Screening Opinion Issued: 31.10.18

Members are requested to note that on 31.10.18 The Planning Authority determined that in this instance , an EIA would not be required for this proposal.(REF:18/01871/SCREEN). This opinion was challenged by “Save Our Seil” (submission of John Campbell QC dated 23.4.18) to the Scottish Ministers.

By decision dated 07.08.19 (REF: EIA-ABC-102) The Scottish Ministers agreed with the opinion of the Planning Authority that an EIA was not required in this instance. A copy of this decision has been made available on public access as it is not available on the Scottish Government Website.

(D) CONSULTATIONS:

West of Scotland Archaeology Service (Dated 7.8.19): No objections subject to a condition requiring the implementation of an archaeological watching brief.

A&B Biodiversity Officer (Dated 2/8/19 and 25.2.20): No Objection subject to

- Updated ecological surveys being undertaken before works commence

- Appointment of Ecological Clerk of works to oversee CEMP implementation
- Further landscaping and peat contouring/management details being submitted for approval in accordance with SEPA comments over micro siting, natural landscape contouring to store excavated peat, and additional more detailed landscape planting proposals.

SNH (Dated 15.7.19): Offer no comment.

SEPA (Dated 15.8.19, 18.11.19 and 31.1.20): No objection subject to imposition of condition.

The condition should:

“.. ensure that the proposed placement of excavated peat follows best practice, minimises the height that the deposited peat projects above the surrounding surface, minimises lateral water loss and adopts a naturalistic landform in order to restore natural hydrological pathways for rainwater over the site.”

SEPA had originally raised objection to the proposals primarily due to a lack of clarity in the information as submitted. They have now removed their objection subject to a condition in respect of the above matters being imposed.

Members are requested to note that SEPA have clarified that failure to impose an appropriate condition to address the above matters would result in a default position of an objection from SEPA to the current proposal. A suitable condition has been included by Officers to address these matters.

A&B Flooding Advisor (Dated 30.7.19): No Objection.

A&B Environmental Protection (Dated 16.8.19 & 17.2.19): No Objection subject to conditions

Officers are content with the details of the Noise Survey and Odour management plan which accompanied the application. Appropriate conditions to ensure compliance with the findings and actions set out in these reports are recommended to be imposed.

A&B Area Roads Engineer (Dated 24.2.20): No Objection subject to conditions

- New access at junction to public road to be constructed in accordance with Operational Drg No.SD08/001a. Bitmac surface
- No walls fences hedges etc will be permitted within 2m from the channel line of the public road. Visibility splays measuring 75m x 2.4m to be cleared and maintained
- A system of surface water drainage is required to prevent the flow of water from passing onto the public road.

A&B Development Policy: No response to date

A&B Core Paths Officer : No response received.

Core Path along B844 adjacent to new access noted and addressed by condition and informatives

Seil and Easdale Community Council (Dated 15.8.19): No formal support or objection. State that they have sought to reflect Issues raised by the community through consultation exercise and some shared concerns submitted.

- SECC. Undertook extensive local consultation (set out in more detail in submission) to reflect views of the community which was split with some supporting and some objecting to option 1a.
- Shares concern over short term impacts from construction and traffic. If proposal approved would urge works to be phased to avoid simultaneous disruption (which occurred with Scottish Waters two previous projects).
- Shares concerns over lack of connection for additional capacity/housing.
- Application must be taken in context of future developments which could potentially lead to the need for a further treatment plant.
- SECC recognises that no one solution will please everyone and that opinion split in local community between those who commend Scottish Water for consultation exercise and those who take the opposite view.

Although not stated to be an objection. Officer consider that the matters of concern raised by the Community Council lend the submission to be considered as expressing concerns and not supporting the proposals.

(E) PUBLICITY: Yes

Press Notice Major Application. Expired 15.08.19

(F) REPRESENTATIONS: Yes

There have been 45 objections and 17 submissions in support of the proposal at time of writing this report as set out below:

Objections

Name	Dated	Address
Lisa Robinson (Save our Seil)	16.11.19	E-Mail
	23.08.19	E- Mail
	07.08.19	Letter
	03.08.19	Ashburton,Balvicar
Mary Philips	July 19	Kilbride Croft, Balvicar
Alasdair Gillespie	16.08.19	E-mail
Judith Gillespie	16.08.19	E-mail
Edward Henderson	15.08.19	East Netherton Minathort
Marina Gordon	03.08.19	Hazelmount, Clachan Seil
Prof David Pond	13.08.19	Hazelmount, Clachan Seil
Mr D.J.MacDougall	12.08.19	Oban Seil Croft, Clachan Seil
John Jess	13.08.19	Breadalbane Terrace Clachan Seil
Margaret M MacDonald	13.08.19	Breadalbane Terrace Clachan Seil
Ray Turner	08.08.19	Ealachan Bhana, Clachan Seil
Allan Coutts	08.08.19	Cnoc Fennaig House, Isle of Seil
Wendy Bruce	07.08.19	The Old Coach House, Ellenabeich
Jayne Brown White	07.08.19	Ardencaple, Clachan Seil
Michael McSweeny	12.08.19	Balvicar Boatyard, Seil

Morag St Clair McSweeney	12.08.19	Balvicar Boatyard, Seil
Alasdair M Steele	08.08.19	C/O 2 Castle Terrace Edinburgh
Kevin White	07.08.19	Ardencaple, Clachan Seil
Graeme Bruce	08.08.19	E-Mail
Karen Price Ross	08.08.19	Cambusbeag, Clachan Seil
Ann Campbell	08.08.19	Achnacroish Cottage, Balvicar
Bruce Campbell	08.08.19	Achnacroish Cottage, Balvicar
Kristina Wood	08.08.19	E-Mail
Julian Taylor	07.08.19	E-Mail
Claire Hartley	07.08.19	Keno Hill, Isle of Seil
Ronald Robinson	07.08.19	Ashburton, Balvicar
Lorne Fowler	07.08.19	Keno Hill, Isle of Seil
Fiona Coutts	06.08.19	Cnoc Fennaig House, Balvicar
Sue Turner	05.08.19	Ealachan Bhana, Clachan Seil
Doreen Gilbert	07.08.19	The Bield, Clachan Seil
John Sedgwick	05.08.19	Dunmarrock House, Balvicar
Orla Sedgwick	05.08.19	Dunmarrock House, Balvicar
Kim Rowswell	05.08.19	Dunmarrock House, Balvicar
Alison Chadwick	03.08.19	21 Ellenabeich, Seil Island
Gary A Hamilton	05.08.19	Camus Nan Eun, Clachan Seil
Marjorie Ferguson	05.08.19	Camus Nan Eun, Clachan Seil
Dr Uta Binnie	06.08.19	Balvicar House, Balvicar
Ann Lawson	06.08.19	12 Ellenabeich, Seil Island
Kenneth Butler	06.08.19	Achraich, Clachan Seil
Donald MacPherson	05.08.19	34 Ellenabeich
Lynn MacPherson	05.08.19	34 Ellenabeich
C. Ford? (signature not clear)	05.08.19	The Coach House, Ardmaddy
Alastair Mill	05.08.19	Seil Grange, Clachan Seil
Patricia Mill	05.08.19	Seil Grange, Clachan Seil
David Johnson	05.08.19	The Coach House, Ardmaddy

Main Issues Raised by Objectors:

- Proposal will have serious adverse impact upon environment and community. Including adverse impacts on the Area of Panoramic Quality on Peat and on important wildlife interests. Site is an important habitat and corridor for wildlife and shouldn't be developed
- New access road will be costly, a scar on the landscape and harmful to it.
- Construction of industrial plant of this size at this location not compatible with surrounding countryside uses. A brownfield site should be used in accordance with Planning Policies. Only small scale development should be acceptable in countryside locations except in exceptional circumstances.
- Better alternative site of a disused quarry should be used and not this site. Had this alternative site not been rejected by Stakeholder Group it would have been promoted by Scottish Water.
- Site was chosen by a Stakeholder Group in consultation (with Scottish Water) which was not representative of the community and which rejected an alternative site which scored highest in Scottish Water Options Report. Discussions with Stakeholder group on best location were not divulged to Community Council or public until the site was agreed (*Note: written by third party and not the Community Council*). Scottish Water cannot claim this constituted public consultation or that the scheme has community support.

- Despite a petition with over 200 signatures the stakeholder group set up by Scottish Water promoted the current site in a manner which did not have community support and was the result of secretive decision making which excluded the community.
- It is not an energy efficient or sustainable solution as waste water has to be pumped back up to the treatment plant and long access road has to be built. This is wasteful and uses extra materials and fuel during longer construction period required for this option. It is a waste of resources and fuel.
- Proposal will not completely fix the problem as when there is a large amount of rainfall there will still be a pollution risk to shellfish in Balvicar Bay. The development is not climate change proof.
- Concerned that capacity of treatment works proposed will be inadequate and increasingly so in the future. Proposal will not address the needs of Ellenabeich or Easdale Island who will continue to discharge into the sea. The new development at Clachan Seil will add no additional homes to the sewage network and has no provisions to extend sewage treatment further.
- Insufficient information submitted to demonstrate this will not be a bad neighbour development from noise and odours and comments from Mr Parry (Environmental Protection) not addressing all required matters. Noise assessment is inaccurate and misleading and a new one which is fit for purpose should be submitted.
- Proposal contravenes a number of Argyll and Bute Councils planning policies and guidance.
- Adverse impact on CO2 as removal of 4500 tonnes of peat and destruction of trees will release quantities of this gas into atmosphere even although there is a plan to re-use this peat.
- Raw materials for the new half mile long access road will have to be transported across the historic one land bridge with danger of potential damage to this historic feature.
- Access for materials to construct the project will also be dangerous with limited blind bends and limited passing places . Traffic Management Plan submitted fails to identify that in excess of 500 38 tonne lorries will be required associated with construction. No road locations on Seil where such lorries can pass. Given this materials should be transported by barge.
- Seil is a tourist destination and locating the proposal in the countryside and not a brownfield quarry will adversely impact the quality of the landscape and may impact on tourism.
- Request that a hearing is held before any conclusions reached on this location and design to give both sides a chance to make their case to the PPSL

Officer Comment: The above concerns are addressed in the main report

Concerns not addressed in main Report as not considered material planning considerations in respect of the determination of this application:

- The construction and whole life costs developing this site exceed those estimated for other potential locations and therefore there are no economic benefits from the scheme and a higher cost to the taxpayer.

- All of the land required for the scheme is not under control of the applicant. Planning Authority are required to take into account whether scheme can be delivered.
- Incredible that Planning Authority determined that no EIA required for a proposal of such a large scale in a countryside and important wildlife location. Had an EIA been required Scottish Water would have had to justify their promotion of this site.

Submissions in Support of Proposals

<u>Name</u>	<u>Date</u>	<u>Address</u>
Dr P Moss	13.08.19	An Isean Eala, Clachan Seil
Sue Moss	13.08.19	An Isean Eala, Clachan Seil
Nadia Smith	09.08.19	Belnahua, Seaview Easdale
Graeme Smith	09.08.19	Belnahua, Seaview Easdale
Alex Wright	09.08.19	Tir Aluinn, Clachan Seil
	07.08.19	
Mary Sandilands	08/08.19	Dunearn House, Ellenabeich
Mary Norris	07.08.19	Creag An Roin, Clachan Seil
Jean Ainsley	07.08.19	Dunaverty, Ellenabeich
George MacKenzie	07.08.19	The Sheiling, Clachan Seil
Dr John D M Gordon	07.08.19	Seaview House, Ellenabeich
Anne Wright	09.08.19	E-Mail
Ann Robin	07.08.19	Cluanie, Balvicar
David Ainsley	07.08.19	Dunaverty, Easdale
Janice Baxter	06.03.19	Ampfield, Clachan Seil
Dr M.S Baxter	06.08.19	Ampfield, Clachan Seil
Brian Robin	06.08.19	Cluanie, Balvicar

Chris Chubb in his stated Capacity as “*Independent Expert, Clachan Seil Wastewater Stakeholder Group*” has made a submission in support of the proposals.

Chris Chubb	07.08.19	Seil Stakeholders Group
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Main Matters Submitted in Support of Proposal

- Scottish Water should be congratulated for all their consultation about the works and have made changes when appropriate. It is obvious there is no easy solution. The current proposal is the result of four and a half years of the thorough consideration of options, investigations and consultations.
- The Community Council and stakeholder group (chaired by Mike Russell MSP) worked closely with Scottish Water with four update presentations given on Isle of Seil. Local Stakeholder group unanimously recommended this option.
- Scottish Water team have modified plans in response to local concerns. Confident they will go the “extra mile” to work with locals to ensure that this treatment plant will be well screened and create new wildlife habitats.
- Very clear that best option chosen following consultations. It offers the best (or least bad) solution in long term, protecting public health, preventing or minimising nuisance to residents and securing regulatory compliance whilst overall improving the environment.
- If it is rejected then there would be another lengthy delay, additional cost, and continued pollution of Balvicar Bay.

- Site is away from housing and hidden from view from most areas. Location chosen will minimise any disturbance from noise and smell. The current proposals will have the least environmental impact and therefore presents no risk of being a “bad neighbour” development.
- Site is well screened and additional landscaping will help it merge into the landscape
- Proposals will improve the visual appearance of the existing site
- All the Marine environment around the Isle of Seil is protected and only acceptable discharges to these sensitive waters should be allowed in 21st century. Only options 1 and 1(a) provided these acceptable levels of treatment. Option 1a being preferable as it is more distant than using the existing site and will have no adverse impact on the amenity of local residents.
- The tertiary treatment system of the sewage proposed is by a tried and tested method and gives a very high standard of clean effluent which is suitable for discharge to protected waters.
- Important benefit of the current proposal is the construction of underground storm water storage tanks on the existing site to accommodate higher flows of combined drainage, including sewage can be stored and then passed for treatment in drier periods before discharge.
- Does not think the access track interrupts two wildlife corridors as stated in Biodiversity Field Checklist. Proposals provide opportunity to enhance local ecological habitat. Wildlife near the site will already be using a much larger area which is small compared to the area available on the island
- Although some disruption during construction is unavoidable, once commissioned and running it will have minimal impact, and all on the island, human and wildlife will soon adapt to it.

Officer Comment: The above matters are addressed in the main report.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Y
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes (appropriate)

(v) **Report/Document Title**

Design Statement
Factual Report on Ground Investigation
National Vegetation Classification Report
Peat Management Plan
Hydrology Assessment
Ecology Walkover Report
Odour Management Plan
Biodiversity Field Checklists
Traffic Management Plan
Soil Options Report
Raptor Survey Report
Protected Species Monitoring Report
PAC Report
Noise Assessment
Marsh Fritillary System Survey
Local Biodiversity Action Plan Review
Landscape and visual Appraisal
Environmental Risk Assessment
Drainage Report (three parts)
Archaeology Report

Summary of main issues raised by each assessment/report

There is a considerable number of detailed reports and survey information submitted in support of the application. Matters referenced in the reports, are evaluated in the appropriate sections of the Officer report at **Appendix A**.

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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(j) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan adopted March 2015

LDP STRAT 1 – Sustainable Development
LDP DM1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ACE 1 – Area Capacity Evaluation
SG LDP ENV 1 – Development Impact of Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 – Landscape Areas
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP CST 1 - Coastal Development
SG LDP DEP 1 – Departures to the Local Development Plan
SG LDP BAD 1 – Bad Neighbour Development
SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land
SG LDP - Climate Change
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
Access and Parking Standards

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Scottish Planning Policy
Local Biodiversity Action Plan
Area Capacity Evaluation Technical Note
Emerging LDP 2 Policies
Consultee Responses
Third Party representations.

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes

Screening opinion confirming no EIA required issued on 31.10.18, (18/01871/SCREEN)

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes.

(M) Has a sustainability check list been submitted: Yes

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing (PAN41 or other): Yes

The proposal to develop a new WwTW on a countryside site located within an Area of Panoramic Quality (APQ) and to install storage tanks at the existing WwTW site, has been subject to a considerable number of representations, both in support and objecting to the proposals. A total of 45 objections and 17 submissions in support of the application have been received at time of writing.

This is not a densely populated area, and therefore the number of representations, both for and against the proposal, demonstrates that this is an important local issue for the community.

In addition, this is a technically detailed major infrastructure submission, with many supporting reports and studies. Therefore Scottish Water attending a hearing to assist to clarify any detailed technical or operational questions from Members about the proposals, would in Officers opinion, assist Members in the consideration of this planning application.

It is therefore recommended that a hearing would add value and assist Members in coming to a formal determination in respect of this proposal.

(P) Assessment and summary of determining issues and material considerations

The proposal have been found to be in accordance with the policies of the Development Plan and a justified exception to Policy LDP DM 1 in respect of the location of large scale community infrastructure development in the countryside for the reasons set out in this report. The justification for a countryside location and the "exceptional case" has in the opinion of Officers been made.

An ACE has been carried out and Officers consider that the proposals will not have any significant adverse impact on the landscape in general or the APQ in particular. That the proposals will bring significant benefit to the Marine Environment by addressing a current substandard WwTW and improving the quality of discharges is a matter which Officers consider carries substantial weight. Ecology and Peat matters have also been properly addressed and all consultees raise no objections to the proposal.

In respect of landscape planting, (which will be biodiversity focussed), and the re-use of extracted peat from construction to re-contour the landscape environs of the site, all

consultees are in agreement that this matter can properly be addressed by the use of planning conditions.

Ecological issues have been thoroughly addressed in the application and all consultees are content that subject to imposition of appropriate conditions, including updated ecological surveys and a CEMP, that the proposals are acceptable.

The removal of the WwTW function from the existing coastal site ensures that residential amenity in respect of potential noise and odours nuisance will be adequately safeguarded and appropriate supporting documents to clarify this have been provided and agreed with consultees. Appropriate conditions in respect of noise and odour management are proposed to safeguard residential amenities.

The Area Roads Engineer raises no objection to the proposals, subject to conditions and an updated Traffic Management Plan being submitted. Safeguarding the core path along the B844 will also be addressed by both condition and informative.

All consultees, with the exception of the Community Council, are of the opinion that the current proposals are acceptable and can be approved. Officers can identify no reasons in this instance to justify why planning permission should not be granted.

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(Q) Is the proposal consistent with the Development Plan: Yes.

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

This is essential waste water infrastructure upgrade works which will benefit the local community and provide environmental improvements on the current situation relating to discharges to a sensitive marine environment. The proposals are considered to be an appropriate form of development within the countryside, subject to the imposition of appropriate conditions, for the reasons set out in detail in this report.

The proposals are considered by Officers to be in accordance with the Development Plan and there are no material considerations which would in the opinion of Officers justify the refusal of this application.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

Note: The exception within Policy LDP DM1 in respect of large scale development in the countryside forms part of the development plan policy criteria and allows large scale development in the countryside zones, subject to satisfying an exceptional need test and ACE considerations. Subject to these being satisfied the proposals are in accordance with the Policies of the plan and will not constitute a departure from the development plan.

(T) Need for notification to Scottish Ministers or Historic Scotland: No

(U) Fairer Scotland Duty:

The Proposal provides improved essential infrastructure for the local community as a whole in accordance with Scottish Waters Infrastructure Investment Programme and therefore is considered to be in accordance with the Fairer Scotland Duty.

Author of Report: David Moore

Date: 3.3.20

Reviewing Officer: Sandra Davies **Date:** 5.3.20_____

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO.

1. The development shall be implemented in accordance with the details specified on the application form dated 20.06 19 and the approved drawing reference numbers :

402948-WW-DRA-04140100-0E Location Plan
402948-WW-DRA-04140101-0F Overall Site Plan
402948-WW-DRA-04140118-0A Local Site Plan Sheet 1
402948-WW-DRA-04140119-0A Local Site Plan Sheet 2
402948-WW-DRA-04140120-0A Local Site Plan Sheet 3
402948-WW-DRA-04140114-0B Existing Site Plan Existing Site
402948-WW-DRA-04140113-0A Existing Site Plan New Site
402948-WW-DRA-04140104-0E Detailed Site Plan Existing Site
402948-WW-DRA-04140102-0F Detailed Site Plan New Site
402948-WW-DRA-04140105-0C Site Elevations 1 of 2 Existing Site
402948-WW-DRA-04140106-0B Site Elevations 2 of 2 Existing Site
402948-WW-DRA-04140103-0C Site Elevations New Site
402948-WW-DRA-04140121-0B Admin Building Elevations
402948-WW-DRA-04140124-0A Admin Building Floor Plan
402948-WW-DRA-04140122-0A Blower Kiosk Elevations
402948-WW-DRA-04140123-0A UV Kiosk Elevations
402948-WW-DRA-04140155-0A MCC Kiosk Elevations
402948-WW-DRA-04140110-0A Bridge Crossing Detail
402948-WW-DRA-04140112-0A Access Road Construction Detail
402948-WW-DRA-04140116-0A Access Visibility Plan
402948-WW-DRA-04140117-0A Access Bellmouth Detail
402948-WW-DRA-04140107-0A Access Cross Section 1 of 3
402948-WW-DRA-04140108-0A Access Cross Section 2 of 3
402948-WW-DRA-04140109-0A Access Cross Section 3 of 3
402948-WW-DRA-04140111-0A Peat Profiling Plan New Site
5321.001 Rev C Easdale Overall Site Layout
5321.004 Rev B Easdale Mitigation Planting Proposals for Proposed WwTW
5321.005 Rev B Easdale Planting Proposals for Existing WwTW Landscape
402948-SN-DRA-04141103-0B Ground Investigation Layout Plan Borehole/Trial Pits
402948-SN-DRA-04141104-0B Rock Outcrop Plan
402948-WW-DRA-04141107-0C Overall Site Layout Plan
402948-WW-DRA-04141108-0A New Works Site Layout Plan
402948-SN-DRA-04141102-0C Ground Investigation Peat Probing Plan
402948-SN-DRA-04141118-0A Peat Depth Plan
402948-SN-SKT-04141100-0A Site Layout Finished Surfaces
402948-WW-DRA-04140111-0B Peat Re-Profiling Plan
402948-WW-DRA-04141119-0A Peat Sections

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Prior to development commencing a full site specific Construction Environmental Management Plan (CEMP), in the form of a proposed Construction Procedures Handbook, shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency.

The Plan shall address requirements arising from the construction, dismantling and reinstatement phases of the development, shall inform the production of construction method statements, and shall specify the siting of working areas, soil management practices, peat management practices, measures to safeguard protected species, and measures to prevent pollution of watercourses and environmental site monitoring. This document shall also contain a method statement in respect of waste management during construction.

A method statement and associated details to ensure the proposed placement of excavated peat follows best practice, minimises the height that the deposited peat projects above the surrounding surface, minimises lateral water loss and adopts a naturalistic landform in order to restore natural hydrological pathways for rainwater over the site requires to be submitted as part of this CEMP.

The development shall be implemented in accordance with the requirements of the duly approved CEMP and any approved method statements or associated documents, copies of which shall be maintained available on site for the duration of construction works.

Reason: In the interests of pollution control and best practice construction techniques and to safeguard ecology and wildlife interests

3. Prior to the commencement of development updated ecological surveys and details of what steps are proposed to minimise disturbance to any protected wildlife identified shall be agreed with and submitted to the Planning Authority in consultation with its Biodiversity Officer.
 - The findings of all updated surveys undertaken shall be incorporated into the CEMP and its proposed working methodology.
 - All works in relation to forming the new access road, new WwTW site and re-contouring of the landscape associated with best practice peat management, together with any other associated operational development, shall be monitored and overseen by an Ecological Clerk of Works (ECoW) to be provided by the applicant at their cost in consultation and with the agreement of the Planning Authority.
 - Monthly reports in respect of compliance with the approved CEMP shall be provided to the Planning Authority by the ECoW or other agreed party for the duration of the construction phase.
 - Any breaches identified by the ECoW relating to impact upon protected species which could constitute a criminal offence shall in the first instance be reported to the police and not the Planning Authority as they are not the controlling authority in respect of such matters.

Reason: To safeguard ecology and wildlife interests

4. Notwithstanding the details set out at condition 1- Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority.

The scheme shall include details of:

- i) The materials and colour of all development visible at or above adjacent ground level;
- ii) Surface treatment of proposed means of access and compound areas within both the new and existing WwTW compounds;
- iv) All Proposed hard and soft landscape works.
- (vi) Details of re-contouring of the land associated with the agreed CEMP in respect of peat management to form natural landscape contouring around the site with excavated peat and its relationship to the proposed landscaping proposals.

The development shall not be brought into use until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. No works relating to the land clearance, re-contouring or construction works should be carried out outside of the following times:

Monday to Friday: 08.00hrs until 18.00hrs
Saturday: 08.00 hrs until 13.00hrs
Sundays or Bank Holidays: No noisy works to be undertaken.

Reason: In order to protect the amenity of the area from noise nuisance.

6. The noise rating level attributable to the operation of the proposed development shall not exceed background noise levels by more than 3dB(A) at any residential property measured and assessed in accordance with BS4142:2014

Reason: In order to protect the amenity of the area from noise nuisance.

7. The development shall be Constructed and operated in accordance with the submitted Odour Management Plan unless as otherwise may be agreed with the Planning Authority in consultation with the Environmental Protection Officer.

Reason: To safeguard the amenity of the area.

8. Prior to development commencing a method statement for an archaeological watching brief shall be submitted to and approved in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site.

Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

9. Prior to development commencing, an updated Traffic Management Plan shall be submitted for the approval of the Planning Authority in consultation with the Area Roads Engineer. The Plan shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

This traffic Management Plan shall also clarify how access along the core path along the adjoining public road shall be safeguarded and managed in respect of construction works.

Reason: To address abnormal traffic associated with the development in the interests of road safety.

10. Prior to development commencing, a survey recording the condition of the public road B844 along such parts of the road as construction traffic will travel in connection with the approved development; shall be undertaken and deposited with the Roads Authority.

Reason: To establish the condition of the public road prior to construction works being commenced in order to provide a baseline against which the need for reinstatement works may be assessed.

11. The new access at the junction to the B844 shall be constructed in accordance with Operational Services Drg No.SD08/001a: Bitmac Surface.

Visibility splays measuring 75m x 2.4m x 1.05m from the channel line of the public road shall be provided and maintained. No walls, fences hedges or obstruction of these sight lines by any means will be permitted.

A system of surface water drainage shall be provided to prevent the flow of water from passing onto the public road. Details of this shall be designed to the requirements of the Area Roads Engineer.

Reason: In the interests of road safety

12. Prior to commencement of development full details of any externally visible lighting to be used within the site shall be submitted to and approved in writing by the Planning Authority. (This shall include any internal lighting in the administrative building which could be viewed from outside the site). Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. No externally visible lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity

13. Prior to the use commencing, a lighting management plan shall be submitted to the Planning Authority for its approval which will clarify how light pollution within this countryside location will be minimised to ensure that only in limited and agreed

circumstances, as set out in this plan, will the site or compound be illuminated. Thereafter the site will be operated in accordance with this plan.

Reason: In order to avoid light pollution in the interest of amenity.

NOTES TO APPLICANT

1. **The length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. The applicant is requested to note that the B844 also forms part of the Council's Core Path Network and contact should be made with the Access Manager to ensure that this is kept free of unauthorised obstructions in connection with the proposed development. This matter should form part of the detailed phasing and Traffic Management Plan required by condition.
5. A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
6. Damage arising from abnormal traffic associated with the construction of this development shall be reinstated in accordance with details to be submitted to and approved by the Roads Authority in accordance with the provisions of the Roads (Scotland) Act 1984 either upon significant damage being identified during the course of construction works, or following a final inspection upon completion of construction works, whichever is the sooner.
7. All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

APPENDIX A – RELATIVE TO APPLICATION 19/01232/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. General Background to Proposal

The existing WwTW works has not been able to sustain the required level treatment volume or quality as was anticipated when it was constructed resulting in spilling untreated discharges to the sensitive marine environment of Firth of Lorn Marine Consultation Area more frequently than anticipated when it was designed and licensed.

Scottish Water has clarified in their supporting documentation that community complaints have been raised about the operation of the existing substandard WwTW. The operation of the works introduced noise nuisance to several of the properties nearby, with one resident particularly impacted, leading to extensive dialogue directly and with MSPs.

Due to the difficulties being experienced in respect of the design, location and operation of the existing works, and in particular the substandard discharges to the marine environment, Scottish Water has submitted the current application in order to address these essential community infrastructure problems.

Members are requested to note that far more comprehensive background information is contained within the “Options Review (Final Report)” which has been submitted in support of the application with some additional information also contained within the submitted PAC report. The Seil Community Council response (Dated: 15.8.19) also contains additional detail in respect of the historic community consultation/ involvement in the project.

B. Location, Nature and Design of Proposed Development

The existing WwTW site is located immediately adjacent to the B844 and has layby parking with the site access from the main public road and more closely related to the existing residential properties. It is located within the countryside zone on the edge of the settlement of Balvicar Bay. This existing site will remain to be utilised for the storage of storm water for later treatment by the new WwTW. Existing WwTW infrastructure will be removed and additional landscaping for this site is proposed.

The proposed new WwTW will be located approximately 285m to the west of the B844, on a hillside, located amongst existing landform ridges within a countryside location. The general area of the works is currently agricultural rough grazing, with bog land forming a Ground Water Dependent Terrestrial Eco System (GWDTE) located along part of the proposed access road. There is some woodland coverage to the eastern edge of the site.

The new site will be accessed via an existing agricultural field access, which will be subject to modifications to account for the new use. The access route to the new treatment works will track partially along an existing track to the west of the B844, crossing a bog via a new low level bridge, and routing to the new site which is currently used for agricultural rough grazing.

The new WwTW proposals will involve the following main elements

- Erection of Administrative Building
- Erection of control kiosk
- Formation of new access track
- Construction of low level bridge.
- Associated plant and machinery related to the operation of the site
- Formation of mounded peat landscape features
- Associated landscaping works and
- Erection of perimeter fence(s)

The overall compound area will comprise some 3727sqm with a wider red line boundary, which indicates areas where excavated peat removed during construction will be re-contoured into the landscape as part of a peat management and landscaping proposals.

The largest above ground structure will be the administrative building which will measure some 12.79m (L) x 6.34m (W) x 3.9m (H) to highest ridge. The roof and walls will be dark green profiled steel sheeting. The plant blower kiosk will also be above ground and measure some 2.0m (L) x 1.5m (W) and 2.4m (H) and the UV disinfection plant kiosk will be some 4.0m (L) x 2.01m (W) x 3.0m (H). No colours are indicated for these however a dark green or dark brown colour would be appropriate to maximise integration into the landscape.

Much of the treatment plant installed on the site will be located underground, and not widely visible, the actual extent of visible structures above ground level can be found on Drawing 402948-WW-DRA-04140103-0C. (For clarification, the angular lined features on this drawing are a general representation of the area of raised land associated with landscape re-profiling and peat relocation/storage).

The proposals include both a 1.5m stockproof fence around the wider red line site involved in the peat re contouring and landscaping for protection against deer and sheep grazing and a proposed 1.8m chainlink fence around the WwTW for security. The formation of the new access track and site will involve the removal and relocation of some 4500 tonnes of peat. A low level bridge is also proposed which will span a GWDTE. It is proposed to condition the final details of materials and colours to be used for all above ground development to ensure maximum landscape integration.

In respect of the existing site the following operations/works are proposed:

- Removal of existing WWTW plant
- Installation of underground storage tanks, and outfall pipe.
- Installation of underground plant,
- Erection of control kiosk
- Erection of perimeter fence

The works proposed to the existing site remove the existing WwTW infrastructure (and associated plant) and install two underground storage tanks. In general terms there is therefore a de-intensification of operations on the site.

There will be no administrative building on the site and the largest above ground structure which will be the control kiosk which will measure 3.0m (L) x 1.0m (W) x 2.6 (H). The existing 1.8m chain link fence around the site will be replaced with a 1.2m high stockproof fence.

C. Settlement Strategy

Policy LDP DM 1 establishes the acceptable scales of development in each of the land use zones with the boundaries of all the settlements and countryside zones mapped in the

LDP's proposal Maps. The locational characteristics the proposals are set out in more detail below:

Alterations to the Existing Site

In terms of Policy LDP DM 1 the elements of the development which are located within the existing planning unit are considered to reduce and improve the appearance and integration of the existing site within its countryside and coastal landscape setting. The proposal is considered to have a number of advantages in respect of the future use of the existing site including;

- the removal of the WwTW works minimising any impacts from noise or smell on sensitive receptors
- the introduction of new landscaping and biodiversity improvements on the site.
- Overall improvement in amenity of the surrounding area with a more attractive appearance and reduced intensity and visibility of operations on the site.

All servicing and activity associated with the WwTW will now be remoter with less potential disturbance to residents inherent from this approach.

However, as this is a single major planning application for large scale development in the Countryside it is necessary to consider all parts of the application located in the Countryside, and in particular the new WwTW and access road, and if any element of the proposal is not acceptable, then the whole application fails to be acceptable. The relevant policy is again LDP DM 1. The relevant extracts of policy LDP DM 1 to the proposal state:

Policy LDP DM1– Development within the Development Management Zones
Encouragement shall be given to sustainable forms of development as follows:-

(E) Within the Countryside Zone up to small scale on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale* may be supported on appropriate sites if this accords with an ACE**. There is a presumption against development that seeks to extend an existing settlement into the Countryside Zone..*

Has an exceptional case been made?

In respect of demonstrating the exceptional locational need for the development, the applicants submit that the removal of the existing but essential WwTW for the local area from the current site, which is in close proximity to residential properties, to the new countryside location, would offer an acceptable approach to the necessary treatment of waste water and which will address current issues with the quality of water discharged and amenity issues associated with the operation of the WwTW in proximity to residential properties.

As the WwTW is to serve a local community of 500 people it is therefore necessary for the facility to be located in the local area and therefore if the proposal is not to be located within a settlement, with potential amenity impacts for residents, all other land beyond the settlement boundary within the local area have a countryside designation.

Substantial information in support of the application has been submitted addressing these matters. Officers are of the opinion that the applicant have justified the new WwTW and access road as an exceptional case allowing the provision of essential infrastructure to the local community it has been designed to serve, whilst also improving the existing amenity situation for those properties next to the existing WwTW. The proposal also provides wider community advantages of improving the appearance of the current,

somewhat utilitarian compound appearance within what is an attractive coastal and village setting.

Scottish Water confirms that this proposal meets all technical, operational and amenity objectives they have set out for the proposal and Officers consider that removing the treatment works from close proximity to residential properties and allowing for landscaping and improvement to the current site will have amenity advantages and community benefits for the local area. This is considered to be a material consideration supporting the proposals.

It is noted that some objectors have raised the point that the current proposals do not allow other properties in the area to be connected which currently discharge to the coastal environment. Officers are of the opinion that it is not for the Planning Authority to seek to interfere or redefine the capital infrastructure improvement programme of Scottish Water as part of the determination of a planning application.

Given that an exceptional case has in the opinion of Officers has been made for the proposals, it is still necessary to undertake an ACE assessment in order to evaluate whether the proposals can successfully integrate into its landscape context without causing unacceptable harm. Further evaluation on this matter is set out at Section D below.

D. Landscape Character

As set out in section C above, Officers consider that an exceptional case to allow this essential community infrastructure to be located within a countryside zone location under Policy LDP DM 1 (E) has been made by Scottish Water. However, it is also necessary to undertake an Area Capacity Assessment (ACE) in respect of the elements of the proposal as this is an essential component of considering any large scale development in a countryside zone as being acceptable in terms of potential significant landscape impacts under Policy SG LDP ACE 1. This clarifies that:

An ACE is to be carried out by the planning authority, primarily by Development Management staff with support from Development Policy staff as appropriate. It is to be used as a tool to assess planning applications in the relevant development control zones, in order to establish the capacity of the wider countryside containing the application site to successfully absorb that particular development. Where an ACE has been triggered by a planning application it should be recorded as a component of the planning report on the submitted application.

*The aim of the ACE process is simply to comprehensively and methodically assesses the capacity of the landscape to successfully absorb the proposed development. **The aim should not be to identify a definitive quantity or how much development can be accommodated in a landscape but to explore landscape ‘sensitivity’ to the particular development proposal under consideration.***

3.1.2 Landscape capacity refers to the degree to which a particular landscape character type or area of common landscape character is able to accommodate change without significant effects on its character, or overall change of landscape character type. Capacity is likely to vary according to the type and nature of change being proposed. For the purposes of the ACE, Landscape Capacity should not refer to the quantity of development that can be accommodated.

Officers have undertaken an ACE in respect of the proposal (which is attached as **Appendix B** to this report) and it is their conclusion that: there is very little built form of any perceived mass or volume associated with the development which will be widely visible or out of scale with its immediate or wider landscape setting. The development is

both low level in terms of its height and scale and the receiving landscape compartment is considered capable of absorbing the development proposals without undergoing any significant change in its overall characteristics. The existing site will be improved in its appearance and integration through the removal of the WwTW and improved landscaping around and within the site.

More particularly, in reaching the conclusion that the site “...is able to accommodate change without significant effects on its character, or overall change of landscape character type...” Officers have had regard to the characteristics of the landscape, its sensitivity to the scale and form of the proposed development, and the components of the proposed development which could impact upon the essential landscape character.

Notwithstanding the contents of the ACE, Officers are also mindful that details of final landscaping (Biodiversity planting) and re contouring of Peat deposits around the wider compound area are required to be submitted as conditional matters. Conditions have also been recommended in respect of requiring details of all materials and colours which will be used for all external surface finishes (including plant, access road and compound surfaces). Some details have been provided (such as in respect of the Administrative Building). However as all of the elements of the development require to integrate to the maximum possible extent into their landscape these matters will be subject to conditions.

Members are requested to note that in addition to the ACE attached as **APPENDIX B** to this report carried out by Officers to inform their decision, a Landscape Visual Appraisal has been undertaken by the applicants to seek to identify the likely effects, direct, indirect, short term or long term arising from the proposed development. It is the applicant's contention in their submissions that:

- *Although, the site is located within an Area of Panoramic Quality the LVA concludes there will be negligible direct impacts on the existing scenic quality and environmental assets due to the proposed location of the development in the more secluded upland grassy area of the craggy upland LCT. There will be some loss of existing, mature, deciduous trees, peat bog and grassland, but with any damage being local and contained within the site and will either naturally regenerate, as will be the case with the grassland or will be compensated with new native tree planting and grass seed mix (incorporated food plant for local butterfly species). The peat will be sensitively reinstated as per the method statement and the Mitigation Planting Proposals.*
- *Effects to the Upland Craggy LCT will be Minor Adverse, as direct impacts are contained to the site area. Although there is inter visibility across the LCT there are no significant impacts on the settings of the Firth of Lorn Special Area of Conservation (SAC) or the Knapdale Area of Panoramic Quality (APQ).*
- *The location of the proposal would avoid any significant infrastructure being required within the principle coastal views on Seil.*
- *The design of the new site makes best use of local topography and with low building height, mono-pitch roof and associated landscaping, will prevent any significant impact on landscape and visual amenity for residents and visitors who may access the inland countryside area on Seil, or view the landscape from a distance (see LVA Report)*
- *The route of access has been modified to avoid the best pasture in consultation with the agricultural landowner (there is no high quality arable land in the area), and the existing woodland is avoided where possible. A bridge crossing is proposed to fully avoid the peat bog and maintain groundwater.*

- *Landscaping and seeding is proposed which would help to enhance the local environment and biodiversity (for example food plant and habitat for Marsh Fritillary) and which can be further refined in consultation with the Council Biodiversity Officer.*

Having carried out the ACE and evaluated the proposal, Officers are in general agreement with the conclusions of the submitted LVA and it is therefore considered that the proposals are in accordance with Policies LDP DM 1 and SG LDP ACE 1.

Members are requested to note that given this is in an Area of Panoramic Quality (Knapdale Melfort). SG LDP ENV 13 relating to APQ's also requires to be complied with. This policy states:

A& B will resist development in, or affecting, an APQ where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that:

- Any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance.

Officers are of the opinion that the proposals will be in accordance with this policy and that they will not result in a significant adverse effect on the landscape. As the proposal is determined to be acceptable under an ACE and in respect of SG LDP ENV 13, it is also considered that the proposals are in accordance with the landscape policy SG LDP ENV 14.

It has been confirmed by the applicants that external lighting will only be on during routine maintenance inspections or in the event of a call out due to a problem with the operation of the plant. It is considered essential that any compound lighting is only used in such circumstances and not left on causing "light pollution" to the APQ/Countryside setting has been included. A condition in respect of such matters has been recommended.

E. Natural Environment and Biodiversity

Biodiversity and Ecology

The new parts of the application located in the Countryside (New WwTW and new access road) have a more complex biodiversity and ecological context than the works to the existing site which raise no substantive issues in these respects. Although there are no statutory designations impacted by the proposals, initial surveys submitted with the screening identified a number of ecological and biodiversity factors which would require to be addressed in any future planning application.

The applicants have provided a number of ecological based surveys to inform the design of the scheme and avoid any unacceptable impacts, whilst also providing opportunity for biodiversity enhancement. The following information has been submitted:

- National Vegetation Classification Report
- Ecology Walkover Report
- Biodiversity Field Checklists
- Raptor Survey Report
- Protected Species Monitoring Report
Marsh Fritillary System Survey
- LBAP Review (Local Biodiversity Action Plan)

The supporting information accompanying the application also confirms that site has been subject to hydrological and drainage assessment with an intention to avoid any significant direct impact upon Groundwater Dependent Terrestrial Ecosystems (GWDTE).

The applicants clarify in their submissions that such matters have informed the positioning and layout of the main site, route of access, including the incorporation of a bridge crossing to avoid GWDTE in place of conventional excavation or floating road, and drainage design to maintain as far as possible natural drainage patterns.

The Council's Biodiversity Officer is content with the application and raises no objection subject to the imposition of conditions. Firstly, that updated surveys are carried out prior to the commencement of any construction works due to the time lapse from the previous surveys, and that an Ecological Clerk of works be in situ to ensure proper construction practices are adhered to, particularly in respect of the access construction and bridge works near the GWDTE. There is also a need in a CEMP to ensure that appropriate measures to minimise any disturbance to protected species identified in the general locality are in place.

Conditions to this effect are therefore proposed should planning permission be granted. The proposals are therefore considered to accord with SG LDP ENV 1.

The application proposals are also considered as an opportunity to secure additional landscaping that will have a biodiversity benefit for the locality as well as assisting in assimilating the development into the landscape and urban environment in a more appropriate manner. A condition requiring further detailed landscaping proposals to be submitted and agreed by the Biodiversity officer will be imposed as it is not considered that the landscaping/planting proposals in their current form are of sufficiently high standard to meet the objectives of the approved Biodiversity Action Plan.

SG LDP ENV 11 – Protection of Soil and Peat Resources

Protection of Soil and Peat Resources is a matter specifically addressed in the and lengthy discussions have been undertaken between Scottish Water and SEPA in respect of the proper management of peat associated with the construction of the new access road and WwTW. The Council's Biodiversity Officer has also considered such matters.

The applicants in their submissions clarify that:

The Scottish Environment Protection Agency (SEPA) has published guidance promoting the sustainable reuse of greenfield soils in construction (Ref 1), which indicates that excavated materials can be reused on site subject to waste exemptions in areas where the site is a greenfield site. However, this guidance does not apply to peat. SEPA have produced a Regulatory Position Statement: Developments on Peat (Ref 2) which states that developments on peat should seek to minimise peat excavation and disturbance to prevent the unnecessary production of waste soils and peat.

The potential impacts of inappropriate developments on peat can range from loss of peat volume and potential release of carbon dioxide due to disturbance of peat to changes in biodiversity and increase erosion in peatland areas.

If peat extraction cannot be avoided then attempts should be made to reuse as much of the peat produced on site as is possible by forward planning, comprehensive on-site investigations and effective implementation of the Site Waste Management Plan (SWMP) and Peat Management Plan (PMP).

In respect of Policy SG LDP ENV 11, this states that:

“Argyll and Bute Council will only support development where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development. Development that would potentially have a significantly adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is satisfactorily demonstrated that:

- (A) Adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; and*
- (B) A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how any impacts mitigated as much as possible. Evidence of the adoption of best practice in the movement of, storage, management, reuse and reinstatement of soils must be submitted along with any planning application.”*

Additional peat depth survey and borehole location information has been provided by the applicant in response to the concerns and stated objection to the application from SEPA. SEPA, having received additional peat survey information, is now content that these matters can be adequately addressed by means of an appropriate planning condition. Officers are in agreement that this is an acceptable approach to the detail of the land re-contouring and landscaping which will be required as part of additional detailed submissions to be approved prior to the commencement of any works outside the boundary of the existing WwTW. Conditions addressing these matters have been recommended.

F. Marine Environment.

The proposed new WwTW is designed to improve the quality of discharges into the Marine Environment as the current WwTW has proved to be unable to meet required standards. The current and proposed WwTW works will discharge into Seil Sound which is a Marine Consultation Area. The SNH definition of such an area is

Marine Consultation Areas are identified by Scottish Natural Heritage as deserving particular distinction in respect of the quality and sensitivity of the marine environment within them. Their selection encourages coastal communities and management bodies to be aware of marine conservation issues in the area.

Seil Sound is also a Shellfish Water Protection Area where the quality of the water is an essential element relating to shellfish production (Map 70 Seil Sound). The Scottish Government Website states that; *“Clean water is vital in areas where shellfish are produced to ensure a good quality product which is safe for human consumption.”* And clarifies that discharges into such waters are regulated by *The Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013.*

The applicants confirm in their supporting documentation that:

The proposal will provide for an essential level of sewerage treatment to set regulatory standards thereby avoiding pollution of the land and marine environment. The design has account of local environmental conditions avoiding where possible, or otherwise mitigating for impacts. The supporting information accompanying this planning application demonstrates the efforts taken to ensure an acceptable standard of development.

Improved discharge quality is considered to be a material planning consideration given the sensitivity of the receiving marine environment. Given that the current substandard discharges are to a Marine Consultation Area and Shellfish Water Protection Area the sooner that these discharges can be improved to meet required standards the better for the Marine Environment. It is noted that one of the supporters of the scheme states that failure to approve this application will likely lead to further delays in providing improved discharge solutions.

This would seem to constitute a reasonable point and delay in the improvement of the discharges currently taking place is considered to be a material consideration in this instance in support of the application given the identified sensitivity of the receiving marine environment. The proposals are therefore considered to be in accordance with SG LDP ENV 7.

G. Archaeological Matters

WOSAS are content with the proposal subject to the imposition of an appropriate condition. The proposals are therefore considered acceptable and in accordance with Policy SG LDP ENV 20.

H. Impact on Woodland

The application involves the removal of a small amount of unprotected woodland. However Officers are content that the required landscaping for the access and new WwTW as well as improved landscaping associated with the existing site will enhance overall woodland provision and provide additional biodiversity and habitat benefits.

The Council's Biodiversity advisor has raised no objections, subject to updated surveys being submitted and all new landscaping, including tree planting will be subject to a condition to ensure it will be in accordance with the objectives of the approved Biodiversity Action Plan. The proposals are therefore considered to be in accordance with Policy SG LDP ENV 6.

I. Road Network, Parking and Associated Transport Matters.

The merits of the new WwTW and alterations to the existing site, which are essentially new infrastructure proposals, are considered in detail in other sections of this report. It is however noted that objectors have raised the question as to whether the existing roads infrastructure, and in particular a listed narrow bridge at is a matter which should count against the granting of planning permission unless resolved.

The Area Roads Engineer raises no objections to the proposals subject to access visibility splay conditions and that the proposal should be subject to a more detailed Transport Management Plan in respect of phasing of works to ensure unacceptable impacts on the road network will not occur. Conditions to this effect are recommended should planning permission be granted. The proposals are therefore considered to be in accordance with Policy SG LDP TRAN 4 and SG LDP TRAN 6.

J. Drainage and Flooding

There are no flood risks associated with the development which is outwith the flood risk zones as shown on SEPA mapping. In respect of flooding and drainage the Council's flooding advisor is content with the proposals and raises no objections.

Some objectors have questioned in general terms whether the proposals are "climate change" compliant. The proposed relocation of the new WwTW away from its current, low

lying coastal location would result in a reduced sensitivity to any future sea level changes arising from climate change adversely impacting upon the WwTW.

Neither SEPA nor the Council's flooding and drainage advisors raise objection on such matters. The proposals are considered to be in accordance with SG LDP SERV 3 and SG LDP SERV 7.

K. Built Environment

The proposed alterations and landscaping in relation to the existing site, which although in the countryside zone, have a built environment context are considered to improve the visual appearance of the site and enhance the general appearance of the built environment of the area.

The proposed development on the existing site is considered to be of an appropriate scale and design to its surroundings, and not dominate or undermine the character of the locality having regard to the current situation as a baseline.

Members are requested to note that officers consider that improved landscaping and biodiversity focussed planting should be introduced throughout the application site to ensure biodiversity as well as amenity interests are addressed. A condition requiring further landscaping proposal is therefore recommended should permission be granted. The proposals are therefore considered to comply with Policies LDP 3 and LDP 9.

Comments in respect of the design, appearance landscape integration/Impact of the new access road and WwTW have been previously addressed at Section D of this report.

L. Other Policy Matters

A number of other Local Plan Policies require to be considered in the determination of this application as set out below:

Policy LDP STRAT1 - Sustainable development – sets out a series of sustainable development principles against which new development will be assessed. A sustainability check list has also been submitted with the application.

The proposed solution design will make best use of the existing WwTW infrastructure to build in resilience for storm storage, whilst allowing for the removal of much of the above ground infrastructure to tidy up the site and improve on the general level of amenity.

The new WwTW, although located in the countryside will minimise any disturbance to residents from its operation and maintenance activities, yet is in sufficient proximity to the existing works site to reduce connection distances.

Officers accept that the design of the new site makes use of local topography and with low building height, mono-pitch roof and associated landscaping, to prevent any significant impact on landscape and visual amenity for residents and visitors who may access the inland countryside area on Seil, or view the landscape from a distance. These matters have been considered in detail in respect of Policies LDP DM 1, SG LDP ACE 1, SG LDP ENV 13 and SH LDP ENV 14 previously in this report.

A bridge crossing is proposed to fully avoid the peat bog and maintain groundwater. The Development has therefore been sensitivity and appropriately designed in the opinion of officers. Officers are also of the opinion that the proposals represent an opportunity to

enhance biodiversity overall in the area and also to improve the appearance of the existing site through upgraded landscaping. And are in general accordance with the objectives of this policy.

SG LDP BAD 1 – Bad Neighbour Development - Proposals for developments classed as “Bad Neighbour” Developments* will only be permitted where all the following criteria are satisfied.

- (A) There are no unacceptable adverse effects on the amenity of neighbouring residents;*
- (B) The proposal includes appropriate measures to reduce the impact on amenity as defined by the use classes order (i.e. noise, light, smells);*
- (C) There are no significant transport, amenity or public service provision objections;*
- (D) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full. (See SG on Access and car parking Standards);*
- (E) The proposal does not conflict with any other Local Development Plan policy and SG.*

Objections contending that the proposal is a bad neighbour development and will have an unacceptable impact have been submitted. The contrary view that the removal of the WwTW works from its current proximity to residential properties to this more remote location ensures it will not be a bad neighbour have also been submitted in support of the proposals.

The applicants in their submissions have indicated that one of the reasons for locating the new WwTW away from the existing coastal site and further within the countryside was to seek to ensure that the works are sufficient distance away from residential neighbours to avoid complaints. They clarify that this was one of the key requirements set by the Community Stakeholder Group, stating that:

The siting of the proposal was identified following extensive public and community stakeholder group engagement and to best utilise the existing assets in the area, whilst also ensuring that new wastewater treatment facilities are a sufficient distance away from residents to avoid any impacts that may arise.

Officers are in agreement with this approach which provides essential local infrastructure in a manner which minimises potential amenity impacts to local residents.

The applicants have also confirmed in their submissions that all Scottish Water WwTW sites are subject to Odour Management Controls, and are subject to regular monitoring and Odour Improvement Plans. Importantly The Council’s Environmental Protection Officer raises no objection and has agreed the Odour Management Plan submitted. A condition requiring the WwTW to operate in accordance with this Odour Management Plan is proposed.

In respect of noise, the accompanying Noise Assessment has been agreed by the Council’s Environmental Protection advisors with a suggested condition in respect of such matters. As a general observation, the relocation of the WwTW activities to a more remote location away from housing is likely to reduce the chances of the operation of the plant giving rise to any noise nuisance to residential properties. Activities associated with Maintenance, and in relation to any emergency call outs will also be more remote from residential properties and therefore reduce any potential noise disturbance.

Scottish Water clarify that external lighting would be required only occasionally when operators are on site for routine maintenance or in response to call out. This matter will be addressed by suggested condition to avoid light pollution in the countryside.

The proposals are therefore considered to be in accordance with the objectives of this policy to protect sensitive receptors.

SG LDP CST 1 Coastal Development - seeks to direct development requiring a coastal location to the 'Developed Coast' i.e. areas within the Settlement Development Management Zone, excluding the natural foreshore.

This policy sets out a presumption against the development of the foreshore unless there is a specific operational purpose for the proposal's foreshore location and, there is no effective alternative location for the development landward of the foreshore and, development does not damage or undermine key feature of the foreshore.

Scottish Water clarify in their submissions that location of the new WwTW has been chosen to avoid foreshore development and the proposal will provide a suitable level of treatment for discharge to the marine environment, and which is subject to regulatory control via SEPA for discharge to shellfish waters. The proposals are therefore considered to accord with this policy.

SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

This policy seeks to minimise the loss of better quality agricultural land including in-bye and croft land and sets out a presumption against proposals which would result in the loss of better quality agricultural land; the fragmentation of field systems or the loss of access to better quality agricultural land.

There is no high quality agricultural land adversely impacted by the new WwTW or access road construction. Although there is some improved pasture in the locality the majority of the land is moorland and rough grazing. The proposal is in accordance with this policy.

Policy LDP4 – Supporting the Sustainable Development of our Coastal Zone

This policy sets out general support for the sustainable development of the coastal zone and requires that proposals should demonstrate how they relate to the spatial framework and relevant indicators incl. locational need; form, location and scale; natural, built or cultural heritage and amenity value; landscape and seascape character; public access, re-use of existing facilities; impact on existing development; coastal flood risk and erosion; marine planning, ecological status of coastal and transitional water bodies.

Many of these matters have been evaluated elsewhere in this report and found to be acceptable. Scottish Water submit in response to this policy that they consider that

the proposal is well located to make best use of the existing sewage treatment facilities, is of an appropriate design and scale to limit direct impacts (much of the site is simple access with the main new treatment site of low level contained design) and is sufficiently distant to avoid any coastal flood or erosion. There are no flood risks associated with the development which is outwith the flood risk zones as shown on SEPA mapping.

Officers are in agreement with this submission and consider that the proposals are in accordance with this policy.

Policy LDP 10 – Maximising our Resources and Reducing Our Consumption

This policy to a large degree replicates other policies of the LDP and detailed commentary is contained elsewhere in this report in respect of these matters. The policy supports all development proposals which seek to maximise our resources and reduce consumption when they accord with the following:

- *The settlement strategy;*
- *Sustainable design principles;*
- *Minimising waste and/or contributing to recycling;*
- *Minimising the impact on the water environment both in terms of pollution and abstraction;*
- *Avoiding areas subject to flood risk or erosion;*
- *Minimising the impact on biodiversity and the natural environment;*
- *Safeguarding our mineral resources and minimising the need for extraction;*
- *Avoiding the loss of trees and woodland;*
- *Contributing to renewable energy generation;*
- *Avoiding the disturbance of carbon rich soils;*
- *Safeguarding our best agricultural land.*

Scottish Water submit in response to this policy that:

The proposal will provide for an essential level of sewerage treatment to set regulatory standards thereby avoiding pollution of the land and marine environment. The design has taken account of local environmental conditions avoiding where possible, or otherwise mitigating for impacts. The supporting information accompanying this planning application demonstrates the efforts taken to ensure an acceptable standard of development.

Officers are in general agreement with this submission and evaluation of such matters as “Settlement Strategy” and other criteria are examined in detail elsewhere in this report against more specific LDP policies. Given the above Officers are of the opinion that the proposal is in accordance with this policy.

Policy LDP 11 – Improving our Connectivity and Infrastructure

Argyll and Bute Council will support all development proposals that seek to maintain and improve our internal and external connectivity and make best use of our existing infrastructure by ensuring that:

- *Rights of way and public access are safeguarded;*
- *Consideration is given to the promotion of access to adjoining areas, in particular to the foreshore, core path network and green network;*
- *The location and design of new infrastructure is appropriate;*
- *Standards for drainage, sewage, waste water and water supply are applied.*

It is noted that the proposed access road and junction construction potentially impacts on a Core Path which runs along the adjacent B844 public road. An informative in respect of this matter is attached to any grant of permission. The free passage of vehicles and pedestrians along the public road will also be a matter addressed as a requirement of the updated Traffic Management Plan required by condition. The proposal is therefore considered to be in accordance with this policy.

SG LDP ENV7 – Water Quality and the Environment –

This policy states that:

Proposals for development that could affect the water environments will be assessed with regard to their potential impact on:

- *Water quality, and quantity, ecological status incl. morphology and flow rate;*
- *Riparian habitats and wildlife;*
- *Geomorphic processes;*
- *Leisure and recreational facilities and users;*
- *Economic activity;*
- *The resources protected by LDP 3*

Scottish Water in their submissions state that;

The site has been subject to NVC and subsequent hydrological and drainage assessment, to avoid any significant direct impact upon Groundwater Dependent Terrestrial Ecosystems. This has informed the positioning and layout of the main site, route of access, including the incorporation of a bridge crossing to avoid GWDTE in place of conventional excavation or floating road, and drainage design to maintain as far as possible natural drainage patterns. This is alongside habitat and species survey and consideration of enhancement opportunities. The works are fully compatible with the surrounding land uses, with the affected landowners being fully engaged throughout the process.

Officers note and agree with this statement. The Council's Biodiversity has examined all of the submitted information in respect of such matters and raises no objection. In addition to the above, it should also be noted that the primary purpose of the proposed development is to improve the quality of discharge a sensitive marine environment.

The Council's Biodiversity Officer, SEPA and the Council's drainage and flooding advisor all consider the proposals acceptable, subject to the imposition of appropriate conditions, and therefore the proposal is considered to be in accordance with this policy.

M. Other Material Considerations

Scottish Planning Policy (SPP)

SPP clarifies that planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.

There has been considerable evaluation of the proposal against these overarching objectives in considering the proposal against the more detailed policies of the Local Development Plan which is the primary determining factor under Section 25 of the Act. The proposal has been found to be in compliance with the LDP.

It is therefore considered by officers that the proposals are in compliance with SPP objectives.

Alternative Site Options

Many objectors have suggested that the current application should be refused as there are other more suitable alternative sites for the WwTW. Many of these objector have referenced option 3 (a disused quarry) as, in their opinion, a better location. Officers are of the opinion that alternative site considerations can, in some circumstances be a material planning consideration. Scottish Planning Law (Third Edition) clarifies that:

"The existence of a better site for a development is not normally a material consideration and there is no obligation on the decision maker to "root around" to find other sites...However the Courts have found that these considerations can be material in exceptional circumstances. No hard and fast rules have been set for what would constitute exceptional circumstances so this is a matter of fact and degree in each case."

It is then further suggested what criteria may be applied in considering the weight which should be given to any alternative locations in reaching a determination. Officers note that it is suggested that in order for such matters to firstly constitute both a material planning consideration and secondly to assist in judging the appropriate weight to be afforded to this matter, the following should normally be considered:

- The presence of a clear public convenience, or advantage, in the proposed development.
- The existence of inevitable adverse effects to some section of the public.
- The existence of an alternative site which had less, or no, such disadvantage; and
- A limited provision, in the sense of only one or very few permissions being able to be granted.
- The development plan or other policy guidance make it relevant to consider other sites.

It is the opinion of Officers that as the current proposals have been found to be acceptable and in accordance with the Development Plan for the reasons set out in this report. Therefore, even if Members consider, as a matter of fact and degree, that consideration of alternative sites is a material planning consideration in this case, officers consider that that no substantive weight should be afforded such matters given the compliance of the current planning application with development policies and the lack of “inevitable adverse effects” caused by the current proposals or clear “advantage” provided by any alternative sites.

Officers do not consider that refusing the current application on the basis of suggested alternative sites would be the correct approach. However, this is a matter for members to consider in the determination of the application, and they must give such weight as they consider appropriate to such matters in reaching a determination as a matter of planning judgement.

LDP 2 and its Emerging Policies

LDP2 has been endorsed by Members and is the settled view of the Council. It is therefore a material planning consideration in respect of the determination of applications. However as the plan and its policies are at an early stage in the adoption process they do not, as yet, carry substantial weight and applications require to be determined in accordance with the policies of the current LDP adopted in 2015. The proposal has been found to accord with the policies of the LDP and therefore only if a significant and important breach of any proposed policy or designation in LDP 2 was identified would it be necessary to provide further more detailed commentary on this matter at this time. No such conflict has been identified.

The proposal is therefore also considered in general terms to accord with the objectives and policies of LDP2.

N. Conclusion.

The proposal has been found to be in accordance with the policies of the Development Plan and a justified exception to Policy LDP DM 1 in respect of the location of large scale community infrastructure development in the countryside for the reasons set out in this report. The justification for a countryside location and the “exceptional case” has in the opinion of officers been made.

An ACE has been carried out and officers consider that the proposals will not have any significant adverse impact on the landscape in general or the APQ in particular. The proposals will bring significant benefit to the marine environment by addressing a current substandard WwTW and improving the quality of discharges. This is a matter which officers consider carries substantial weight. Ecology and peat matters have also been properly addressed and all consultees raise no objections to the proposal.

In respect of landscape planting, (which will be biodiversity focussed), and the re-use of extracted peat from construction to re-contour the landscape environs of the site, all consultees are in agreement that this matter can properly be addressed by the use of planning conditions.

Ecological issues have been thoroughly addressed in the application and all consultees are content that subject to imposition of appropriate conditions, including updated ecological surveys and a CEMP, that the proposals are acceptable.

The removal of the WwTW function from the existing coastal site ensures that residential amenity in respect of potential noise and odours nuisance will be adequately safeguarded and appropriate supporting documents to clarify this have been provided and agreed with consultees. Appropriate conditions in respect of noise and odour management are proposed to safeguard residential amenities.

The Area Roads Engineer raises no objection to the proposals, subject to conditions and an updated Traffic Management Plan being submitted. Safeguarding the core path along the B844 will also be addressed by both condition and informative.

All consultees, with the exception of the Community Council, are of the opinion that the current proposals are acceptable and can be approved. Officers can identify no reasons in this instance to justify why planning permission should not be granted.