

REPORT OF HANDLING

Ref No:	19/00567/APP	Officer:	Emma Mitchell
Proposal Description/ Address	Proposed new vehicular access bridge permanent retention of temporary access track and minor extension to the treatment works site to house two new storage tanks with new kiosks and inlet screen at Scottish Water Waste Water Treatment Works Bogton Road Forres		
Date:	21.11.2019	Typist Initials:	LMC

RECOMMENDATION

Approve, without or with condition(s) listed below	Y	
Refuse, subject to reason(s) listed below	N	
Legal Agreement required e.g. S,75	N	
Notification to Scottish Ministers/Historic Scotland	N	
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	30/05/19	No objection
Network Rail	03/06/19	No objection subject to informative
Scottish Environment Protection Agency	19/11/19	No objection
Scottish Water	05/06/19	No objection
Environmental Health Manager	28/05/19	No objection
Transport Scotland	13/06/19	No objection
Contaminated Land	28/05/19	No objection
Transportation Manager	15/11/19	No objection subject to conditions and informatives

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
ED2: Business Uses on Industrial Estates	N	MLDP 2015
PP1: Sustainable Economic Growth	N	MLDP 2015
ED4: Existing Business Areas	N	MLDP 2015
E10: Countryside Around Towns	N	MLDP 2015
EP5: Sustainable Urban Drainage Systems	N	MLDP 2015
EP6: Waterbodies	N	MLDP 2015
EP7: Control of Develop in FloodRiskArea	N	MLDP 2015
EP8: Pollution	N	MLDP 2015

EP9: Contaminated Land	N	MLDP 2015
T2: Provision of Access	N	MLDP 2015
T5: Parking Standards	N	MLDP 2015
IMP1: Developer Requirements	N	MLDP 2015
2020 Proposed Local Development Plan		
PP1 Placemaking	N	PROPOSED MLDP 2020
DP1 Development Principles	N	PROPOSED MLDP 2020
DP5 Business & Industry	N	PROPOSED MLDP 2020
EP4 Countryside Around Towns	N	PROPOSED MLDP 2020
EP12 Management and Enhancement of the	N	PROPOSED MLDP 2020
EP14 Pollution, Contamination & Hazards.	N	PROPOSED MLDP 2020

REPRESENTATIONS

Representations Received

YES

Total number of representations received: ONE

Names/Addresses of parties submitting representations

Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.

Summary and Assessment of main issues raised by representations

Issue:

Neighbouring land owners have been in negotiations with Scottish Water over access to the Glebe following completions of the proposed works. Currently access to the Glebe is across a level crossing, following the completion of the track, Scottish Water would require the neighbouring land owners to carry on using the level crossing as their unimpeded legal access.

It is considered that it would be sensible and safer for Scottish Water to give the Trustees full access over the new track and bridge (which is on land out of our ownership) rather than carry on using the level crossing.

Unable to ascertain from the plans whether the retention of the level crossing is clear in the proposals however in the absence of Scottish water's willingness to give the neighbouring land owners full access over the new bridge, the access to the level crossing will have to remain in situ.

Comments (PO):

This is not a planning matter and is in fact a private legal matter.

The issue of whether the level crossing is to be retained is separate to this planning application. The level crossing is not in the applicant's ownership.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

- Planning permission is sought for a new vehicular access bridge, permanent retention of a temporary access track and an extension to the treatment works site to house two new storage tanks and two new kiosks and an inlet screen at Scottish Water Waste Water Treatment Works at Bogton Road, Forres.
- The proposed new vehicular access bridge is located to the west of the site and will tie into the new network rail bridge on Mosset Road.
- The access track that is to be retained (installed by Network Rail) runs adjacent the north of the existing rail line and A96 from the proposed new vehicular access bridge to the Waste Water Treatment works.
- A small extension to the south west corner of the Waste Water Treatment works consists of two new sludge tanks.
- The two new sludge tanks are 8.620 metres in height and 6 metres wide. The tanks are made from glass fused steel. The stair runs between the tanks giving access to a platform that runs along both tanks. A new security fence is located around the new tanks.
- The two new kiosks and inlet screen are located within the existing Waste Water Treatment Works.
- The two kiosks are 3.150 metres in height with foot prints of 13.5 sqm. The kiosks are green in colour.

Background

- Forres Waste Water Treatment Works (WwTW) currently treats wastewater from Forres, Lossiemouth and Findhorn. The treatment plant is running at capacity. Investment is required to improve and maintain the treatment processes at the site.
- WwTW and the access track are located to the north of Forres adjacent to the rail line immediately out with the settlement boundary and within the Countryside Around Town area of Forres.
- Access to the site is currently via a temporary haul road from the east which was installed by Network Rail. The railway crossing is shared with Christie Elite (neighbouring tenant). This temporary access arrangement for Scottish Water was approved by Moray Council as Planning Authority under planning permission 17/01240/APP on 05th October 2017. Whilst the planning permission does not explicitly limit the period of use, the arrangement is agreed for a 5 year term only. So as not to add additional burden to Network Rail in undertaking their improvements, or introduce potential conflict with the neighbouring land uses, a dedicated permanent access for Scottish Water to manage the Forres WwTW is required.
- As part of the Network Rail improvement work a temporary haul route is constructed parallel to the railway line from Mosset Road towards Forres WwTW. Scottish Water proposes to use the same route but make it a permanent access road with a new bridge to be installed over the Burn of Mosset.
- In 2003 planning permission (ref 03/00133/FUL) was granted for a new access road and extension to the WwTW. This planning permission was not implemented and has now expired. The current proposals are similar in that access is proposed from the west but would utilise the existing Network Rail haul road to form a more direct route along the edge of the railway line. This is considered to be the best option with the least environmental impact. There is no requirement for the eastward extension of the site but the previously consented enlargement the SW corner of the site is required. The proposal also includes the installation of some plant and kiosks within the existing WwTW site that do not benefit from deemed consent.
- An application was submitted for the same application as this one in 2018 (18/01211/APP), it was however withdrawn due to SEPA and Transportation requiring further information.

Policy

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with

the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

The main planning policies are considered below.

Siting and Design (IMP1)

Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to be of a scale and character appropriate to its setting and for development to integrate into the landscape.

The existing WwTW is currently running at capacity and requires upgrading. It is a contained site with little available space within existing site boundaries. The previously consented proposals for the WwTW included two areas of extension to the works and an access track from Invererne Road that crossed the Burn of Mosset on a bridge. The design review re-examined options for the location of the required new structures and it was established that by placing the new inlet works on part of the former access road one of the site extensions could be avoided.

Additionally, when reviewing the reasons behind the selection of the access route it was ascertained that there were proposals to remove the level crossing and stop up Mosset Road. This changes the routing of vehicles from the A96 to a new road from the A96 to Waterford Road. Planning permission was granted for this in 2015. Proximity to the level crossing was previously a constraint to access road location. Now that the level crossing is closed it is possible to route the access road from the stopped up section of Invererne Road along the railway into the site. Providing a new burn crossing and importantly utilising an existing access road. The existing road is seen in the context of the strong linear railway feature and does not introduce any notable new visual impact. A further benefit of utilising the existing access is that it avoids any further ground disturbance.

The sludge storage tanks required to be at the western end of the WwTW being the area of plant connection to the WwTW.

Given the proposal is for a new bridge, additional sludge tanks / kiosks / inlet screen and the retention of an existing of the visual impact of the proposal when completed will be minimal. The proposal is in scale and keeping with the surrounding area and there are no issues in terms of loss of amenity. The criteria in the policy has been met.

Access

Policy T2 requires that new development proposals are designed to provide the highest level of

access for end users.

The WwTW was previously accessed from the A96 and at a crossing of the Aberdeen to Inverness railway line. All traffic accessing the works were required to make contact with Forres Network Rail Station, wait until it is convenient to ensure there is no train traffic, cross the track and then advise the station of having crossed. As these are onerous requirements, Scottish Water has planned the formation of dedicated access arrangements.

Transport Scotland and the Councils own Transportation department were consulted on the proposal.

Transport Scotland's original consultation response (dated 30th May) had no objections subject to a condition being attached to the consent (Condition - The new access to the site shall be formed and the existing access from the trunk road permanently closed off). However it transpired that the access that Transport Scotland were referring to was in fact a historic access (not the current one that Scottish Water used) and was not within Scottish Waters ownership therefore an amended consultation response was received which has no conditions attached.

Transportation required further information to be submitted in order to be able to assess the proposal. Further information that was required included a plan showing the sight line for the realigned bridge, a detailed drawing of the junction onto Waterford Road (showing visibility splays), details of the forward visibility envelope available for vehicles approaching the bridge, between Waterford Road as you approach the junction/bridge and the proposed layby/ passing place on the new access road and the provision of swept path analysis.

In August Transportation had not received any further information therefore objected to the proposal however the required further information was received in November 2019 allowing Transportation to remove their objection to the proposal subject to conditions and informatives.

Drainage and Flooding (EP5 and EP7)

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS) stipulates that surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. Policy EP7: Control of Development in Flood Risk Areas states that new development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere.

Given the nature of the proposal and that parts of the site are located within areas of high surface water flooding; SEPA and Moray Flood Risk Management were consulted on the proposal.

SEPA objected to the proposal on flood risk grounds however stated that they would consider removing their objection if:

- A minimum 600mm freeboard is incorporated in the bridge design or alternatively further hydraulic modelling be carried out to demonstrate that for a smaller freeboard a bridge blockage would not increase flood risk elsewhere.
- Further information on the design of the scour protection.

SEPA also stated that it is not acceptable for the site that surrounds the sludge tanks and the tanker loading bay to be surfaced in gravel, as this is not suitable for SUDs and should be either drained to the foul sewer or self-contained drainage that can be pumped out.

In November 2019 further information was submitted. The proposed bridge over the Mosset Burn has been re-designed to provide a minimum freeboard of at least 600mm. The estimated 1 in 200 year event design water level at the bridge is 7.83mAOD. Now as displayed on the drawing "Plan and Elevation" (reference 5000062051-WW-CCC-DD158101 Rev 4. 19.9.2019), the underside of the

bridge deck will have a level of 8.460mAOD. Therefore there will now be a freeboard of 630mm provided, greater than the recommended freeboard of 600mm.

With regard to the scour protection SEPA had previously requested that it was demonstrated that its introduction to the banks of the Burn would not change the channel capacity, therefore impacting on flood levels and possibly increasing flood risk elsewhere.

Further information on the drawing "Details" (reference 5000062051-WW-CCC-DD158102 Rev 4. 19.9.2019), which states that the "embankment to be locally excavated for construction of scour protection which shall not affect the width of the burn". Therefore if there is no change in the channel dimensions then there will be no impact on the estimated flood levels at this point.

Therefore in light of the provision of the additional supporting information discussed above, we are now in a position to remove our objection on flood risk grounds.

Please note also that the revised proposal for SUDS on the site in relation to the sludge tanks and tanker loading bay were also deemed acceptable by SEPA.

Moray Flood Risk Management have no objections to the proposal.

Settlement Boundaries and Countryside around Town (CAT) (E9 and E10)

Policy E9 stipulates that settlement boundaries are drawn around towns, villages and rural communities representing the limit to which these settlements can expand during the Local Plan period. Developments proposals immediately out with the boundaries of these settlements will not usually be acceptable. Policy E10 restricts development in countryside around towns and states development proposals will be refused unless they adhere to a strict criteria.

Although the proposal is immediately located out with Forres' settlement boundary and within the CAT it is deemed as an acceptable departure to policies E9 and E10; given that the proposal for increasing the capacity of the existing WwTW, which is currently working at capacity and is vital that it is expanded.

Recommendation

Approval with conditions.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The development proposal complies with the requirements of the Moray Local Development Plan 2015 and there are no material considerations that indicate otherwise.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
18/01211/APP	Proposed new vehicular access bridge permanent retention of temporary access track and minor extension to the treatment works site to house two new storage tanks with new kiosks and inlet screen within the existing operational area at Scottish Water Waste Water Treatment Works Bogton Road Forres Moray		
	Decision	Withdrawn	Date Of Decision

17/01240/APP	Temporary access road and gate to Scottish Water Waste Water Treatment Works Bogton Road Forres Moray		
	Decision	Permitted	Date Of Decision
03/00133/FUL	Extend treatment plant and provide new access road at Waste Water Treatment Plant A96 Forres Moray		
	Decision	Permitted	Date Of Decision

ADVERT		
Advert Fee paid?	No	
Local Newspaper	Reason for Advert	Date of expiry
Forres Gazette	No Premises	25/06/19
PINS	No Premises	25/06/19

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

DOCUMENTS, ASSESSMENTS etc. *	
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>	
Supporting information submitted with application?	YES
Summary of main issues raised in each statement/assessment/report	
Document Name:	Supporting Statement
Main Issues:	Information re the proposal
Document Name:	Flood Risk Calculations and Drainage
Main Issues:	Information re drainage

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			