

ANGUS COUNCIL

ITEM No. 6

DEVELOPMENT CONTROL COMMITTEE

5 DECEMBER 1996

SUBJECT: LETHAM DRAINAGE EMBARGO

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the circumstances behind the introduction of a drainage embargo by the North of Scotland Water Authority.

1 RECOMMENDATION

It is recommended that the Committee -

1. agree to the imposition of a development embargo on the village of Letham;
2. in conjunction with NOSWA, submit the details of the scheme to the next meeting of the Committee; and
3. review the embargo in two years time.

2 INTRODUCTION

- 2.1 On 26 November a fax was received from the North of Scotland Water Authority requesting an urgent meeting to discuss an immediate development constraint being placed on Letham because of drainage problems.
- 2.2 A meeting of officials took place on 27 November when NOSWA representatives explained that over recent months, difficulty had been experienced in the wastewater treatment plant consistently achieving consent compliance in accordance with the standards laid down by SEPA. Accordingly, a comprehensive study had been undertaken to determine the biological loading entering the plant.
- 2.3 This exercise has revealed that the loadings from the current population and businesses, together with the outstanding consents (approximately 85 houses) would mean the plant operating at its maximum capacity.

3 PLANNING IMPLICATIONS

- 3.1 The situation is potentially so serious that an immediate development embargo is sought by NOSWA. However, three "live" applications are currently being processed (totalling 21 houses) which were submitted and received in goodwill and only after informal "clearance" in advance of submission by NOSWA. Under the circumstances, NOSWA is prepared to accept these developments if approved by the Council as Planning Authority.

- 3.2 Given the apparent urgency of the situation, it is requested that no further applications be entertained by the Planning Authority from 6 December. Should the Committee agree, applicants submitting applications thereafter would be offered a refund of the fee and the paperwork returned. They would, of course, be entitled to a decision should that be their preferred option and to lodge an appeal following the probable refusal.
- 3.3 A total embargo is neither desirable nor realistic as some opportunity must be available for householders to undertake improvements to their properties, including extensions, garages etc. NOSWA officials have agreed to formulate early guidelines on the circumstances under which developments such as house extensions will be permitted.
- 3.4 Letham has been the subject of fairly extensive development over recent years and some respite from development pressures will certainly be welcomed by many residents and the Community Council. Indeed, the emerging Local Plan would probably have acknowledged this by applying some constraint or phasing of development. Nevertheless an embargo of this magnitude imposed upon the largest village in Angus should not be permitted to remain in force indefinitely and pressure should be applied to NOSWA to programme improvements in the not too distant future.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no significant financial implications.

5 CONCLUSION

- 5.1 While drainage embargoes, of which there are too many, are rarely welcome, in the case of Letham it is of perhaps less immediate concern coming as it does after a lengthy period of fairly extensive growth and development pressure. Nevertheless it is essential that the individual aspirations of existing householders are accommodated wherever possible within the scheme and eventual improvements not lost sight of.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/JJ/MR
28 November 1996

Alex Anderson
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