

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE
PLANNING AND TRANSPORT POLICY COMMITTEE

11 NOVEMBER 1999
23 NOVEMBER 1999

SUBJECT: KIRRIEMUIR - DRAINAGE CONSTRAINT

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report outlines the background to the current drainage situation in Kirriemuir and highlights the terms of a request for a formal constraint by the North of Scotland Water Authority. It also outlines the implications of the constraint for future development in Kirriemuir.

1 RECOMMENDATION

It is recommended that the Committee:-

1. note the request for a drainage constraint affecting the Kirriemuir area and the implications for land-use planning;
2. agree to adopt the guidelines put forward in this report as a basis for dealing with planning applications until such time as the constraint is removed;
3. agree that the need for a constraint be reviewed on a biannual basis and request NoSWA continue to investigate possible solutions to overcome the need for a constraint and make an early commitment regarding the timescale to do so;

2 INTRODUCTION

- 2.1 For some time the North of Scotland Water Authority have been concerned about aspects of the drainage network in the Kirriemuir area and have now requested implementation of a formal drainage constraint (letter of 19 October 1999).
- 2.2 Since 1997, a lack of capacity in the Den Sewer has caused periodic flooding of the children's play area and the Den Keeper's House. This capacity problem also acted as a constraint to further development in Northmuir.
- 2.3 NoSWA's Infrastructure Projects Plan 1999-2002, includes a scheme for resolution of the Den Sewer problem to be completed by Spring 2000. Recently, NoSWA have indicated that due to unexpected increases in the cost of this scheme, it is now unlikely that it will be possible to finance it this year. NoSWA will however maintain the high priority of the scheme and make every effort to ensure it is included in the Programme for next year.
- 2.4 A major issue has arisen in relation to the Waste Water Treatment Plant serving the Kirriemuir catchment area due to SEPA's revised discharge consent. Initially there appeared scope to deal with the problem and allow further development to take place within the context of the Development Plan. This situation has now changed and this report updates the position.

3 CURRENT DRAINAGE POSITION

- 3.1 The Scottish Environment Protection Agency (SEPA) have issued a revised discharge consent in relation to the Waste Water Treatment Plant at Kirriemuir in order to maintain the quality of the receiving watercourse. The revised level of the consent is 18.5 l/s dry weather flow, which effectively reduces the volumetric capacity of the WWTP to a level well below that for which it was designed (around 25 l/s). The current dry weather flow entering the WWTP is already around 18 l/s, and the number of outstanding planning permissions means the revised consent is likely to be exceeded.
- 3.2 NoSWA therefore consider it necessary to constrain further development in Kirriemuir to prevent excessive breaches of the discharge consent.
- 3.3 NoSWA had anticipated that sources of infiltration in the sewer system could be identified and removed, thereby creating additional capacity for development. Despite an infiltration survey, the solution to the problem has not been found. Surveys of particular sewers are ongoing in an effort to identify point sources of infiltration. This is unlikely to affect the need for constraint.
- 3.4 No provision for works at Kirriemuir WWTP is made in the NoSWA Infrastructure Projects Plan 1999 - 2002. Reference to the requirement to improve unsatisfactory discharge is contained in the Consultation Draft of NoSWA's 10 year Indicative Needs Profile 1999 - 2009.
- 3.5 Given the lack of any firm commitment to necessary works at the WWTP, it is expected that the drainage constraint may be in place for a considerable time. This may have implications for future Development Plan policy in Kirriemuir beyond the current Approved Tayside Structure Plan.

Terms of Drainage Constraint

- 3.6 Following discussion with NoSWA, the terms of the proposed drainage constraint are set out below. In general it applies to all developments without the benefit of a valid planning permission or current Local Plan allocation.

1. Proposals already issued with Planning Consents

- (a) It will normally be acceptable to develop sites where proposals would not significantly increase existing loading on the sewerage network or wastewater treatment infrastructure, as determined by NoSWA and allowed for when planning consent was granted.
- (b) Applications for 'change of use' at sites with consented proposals will normally be acceptable where the proposal would not significantly increase anticipated loading on the sewerage network or wastewater treatment infrastructure, as determined by NoSWA and allowed for when planning consent was granted.

2. Proposals without Planning Consents

- (a) Applications for industrial, business, commercial and other economic development opportunities, compatible with Development Plan guidelines or other approved Angus Council policy, would normally be acceptable where the proposed development involved a "dry" process or would not significantly increase the existing loading on the sewerage network or wastewater treatment infrastructure, as determined by NoSWA. Proposals for processes involving water usage would not normally be acceptable.
- (b) Applications for community facilities (for example, doctors' surgeries, libraries, community halls, residential homes for the elderly, infirm or disabled, etc.) would normally be acceptable where there is an established need for the facility as determined by Angus Council and agreed by NoSWA.
- (c) Minor extensions to existing domestic and commercial properties (hotels, shops, etc.) already connected to the public drainage system would normally be acceptable. NoSWA when considering the proposed increase of loading on the sewerage network or wastewater treatment infrastructure will determine the acceptability of extensions.
- (d) Redevelopment of a site will normally be acceptable where the existing development has a connection to the public drainage system and where the proposal would not significantly increase existing loading on the sewerage network or wastewater treatment infrastructure, as determined by NoSWA.
- (e) Where proposals require new connections to the public drainage system or involve increased discharge to the system, other than any proposals acceptable above. Angus Council would normally refuse planning consent due to lack of capacity in the sewerage network or ability of the treatment infrastructure to meet the loading demand.

3. All Development Proposals

In the interests of best management practices, the attention of all planning applicants is drawn to the following:

- (a) The desirability of reducing loading on the sewerage network and wastewater treatment infrastructure as far as possible.
- (b) Where possible, developments will be drained by means of separate collection system: surface water run-off must not discharge to foul sewers.

4 DISCUSSION

- 4.1 The June 1998 Housing Land Audit showed outstanding planning permissions for 126 houses on sites of five or more houses. In addition there are valid permissions for 21 houses on small sites in Kirriemuir. Sites with existing planning permissions in Westmuir and Maryton which also drain to the Kirriemuir WWTP, amount to 13 units. The total number of houses with planning permission is therefore 160.
- 4.2 The level of existing consents for housing provide a five year supply of housing land. The Finalised Angus Local Plan has already taken account of the known infrastructural difficulties in Kirriemuir and has not allocated any further land for housing. The Local Plan does however earmark sites which could come forward when constraints are resolved.
- 4.3 Given the number of housing sites with existing planning permission (which generally meet the allowances of the Tayside Structure Plan 1993), there is no immediate concern regarding a constraint being placed on new residential development.
- 4.4 The constraint enables development for industrial or business uses to come forward albeit, with provisos regarding the precise form of development proposed. This is welcomed since the Finalised Angus Local Plan allocates 2.4 hectares of land to meet local industrial/business needs, and also contains a policy supporting the development of a visitor attraction to the south-east of the town. It appears NoSWA have given a general commitment to accommodate the drainage requirements of the proposal for the "Peter Pan" project.
- 4.5 The constraint also makes provision for community facilities (e.g. doctors' surgeries, libraries, community halls, residential homes for the elderly, infirm or disabled) to be developed where there is an established need for such facilities.
- 4.6 While NoSWA have recognised the need to undertake improvements at the Kirriemuir Wastewater Treatment Plant, there is a need for immediate investigations into solutions to the problems, with a view to a firm commitment being given to implement necessary measures within a reasonable timescale.
- 4.7 It is considered that the need for a drainage constraint should be reviewed biannually and discussions with NoSWA should continue to secure an early commitment to the necessary programme of works being included in NoSWA's Infrastructure Projects Plan as soon as possible.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no significant financial implications.

6 CONSULTATION

- 6.1 The Chief Executive, Director of Law & Administration and Director of Finance have been consulted in preparation of this report.

7 CONCLUSION

- 7.1 It is regrettable that yet another Angus settlement has to be subject to development constraints due to lack of available drainage. However given the existing supply of housing sites it is considered possible to accommodate the constraint in relation to housing in the short term.

- 7.2 The provision made within the terms of the constraint for industrial, business, commercial and other economic development opportunities and community facilities is welcomed, and allows scope for such uses to come forward to meet local needs.
- 7.3 It is, however, considered important that discussion continues with NoSWA to secure an early commitment to the implementation of measures to resolve the drainage issues affecting the Kirriemuir Wastewater Treatment Plant.

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/NH/KWIAL
2 November 1999

Alex Anderson
Director of Planning and Transport

