

**PROPOSED AMENDMENTS TO DRAINAGE LAYOUT FOR NEW
DWELLING HOUSE AT LESMURDIE HOUSE, ELGIN.**

PROJECT NUMBER AND OUR REFERENCE 12-58

**MORAY COUNCIL PLANNING REFERENCE NUMBER
12/01915/APP**

CLIENT/APPELLANT MR LORNE McPHERSON.

REVIEW STATEMENT

PROPOSAL.

The proposal is to amend the drainage facilities at the proposed dwelling house from a pumped public sewer connection to a bio disc chamber and soakaway.

POLICIES. The application was determined under policy EP10 of the Moray Council Local Plan 2008. However, approval of this development would have been under the Moray Council Local Plan 2000 and not the current plan which is quite prohibitive.

RESPONSE. This is an application to have the approved drainage from the last house on this development, altered temporarily, to a bio disc and soakaway system. The entire development has already been completed at Lesmurdie House and this proposed drainage connection will involve digging up a number of gardens and car parking areas to make this connection. This will mean considerable upheaval for a number of the established owners of property in this location.

The Appellant has considered the distance and height that this proposed pumped drainage system would entail and is extremely concerned that the pump will continually break down due to the distance and height involved. We have provided a copy of the costs involved with pumping but should reiterate that this request for a change to the drainage system is not cost driven. My client's concern is the breakdown of the pump itself and the inconvenience involved in having the pump replaced. The line the drainage track will have to follow will also include for bends on the route due to the amount of trees in the locality. It will not be possible to cut down these trees and the changes in direction of the pipe will again add significantly more pressure on the actual pump.

We would also bring to your attention the fact that the connection itself is not actually to the Scottish Water sewer direct. We have identified the connection point and it appears that this is actually a private sewer before it joins the Scottish Water maintained system.

We enclose a letter from the Estates manager of the Lesmurdie House development company and you will see that they confirm that the development has been completed and that the residents are not happy with the thought of their gardens and roads being dug up again to install this drainage pipe. It would have made sense for the developer to install the pipe before all the finishes were applied to the development but this was a missed opportunity. Now, many people within the development are going to experience the upheaval of having their gardens and drives excavated to put in a drainage pipe.

Finally, the owners of the site, Robertson's, have confirmed their intention to carry out further development in this location in the not too distant future. This will involve further sewer extensions and we have provided written confirmation from the company stating their proposals for the future. Our client is prepared to enter a Section 75 agreement with the Council to state that as soon as a suitable public sewer becomes available, he will connect to that sewer system and remove the bio disc from the site. It should be noted that our client has had soil porosity tests carried out at some expense to ascertain that the ground conditions are suitable to take the effluent from the bio disc. We have enclosed the details from Fairhurst, Consulting Engineers from Elgin to confirm this point.

PRECEDENCE. It is stated that the above will set a precedence if approved. Over the last couple of Local Plan documents, there has been a proviso that when a circumstance such as this occurred, then it was covered by a proviso that perhaps it was just not possible to do something. We feel that we have provided enough evidence to demonstrate that here we have a situation where there are extreme difficulties in trying to achieve a drainage layout which is fraught with potential pumping breakdowns due to the route the pipe must travel and also the height differential. These are exceptional circumstances and had the drainage line been excavated before all the other houses had been constructed and then sold, perhaps this would not be such a difficult option to implement.

CONCLUSIONS/SUMMARY The Local Plan has policies design to avoid having septic tanks and bio discs in plots within the settlement boundaries of the towns in Moray. However, once in a while a situation evolves where problems make implementing an approved plan a real obstacle. This is one of these occasions. Pumping for long distances, uphill and round bends can only put pressure on the drainage system. To use the alternative has proven that it will work satisfactorily and the Section 75 agreement would then remove the

temporary drainage system as soon as an alternative sewer became available. Our client does want to connect to a public sewer but one that will avoid constant breakdowns due to ground and site conditions.

We would respectfully ask that you over turn the planning decision to refuse this application on the grounds that there are most certainly physical and practical difficulties in providing a pumped system at this late stage in the overall development of this site and that the appellants quality of life is going to be ruined by the inevitable drainage/pumping breakdowns. Evidence has been provided confirming that the remainder of the development has been completed and that other residents in the area are going to have their quality of life spoiled by this pipe having to be inserted. The Appellant is willing to enter into a Section 75 agreement with the Council stating that when an alternative public sewer becomes available, he will remove the bio disc and connect to that sewer. Evidence has again been provided by the original developer confirming their intention to develop in this area again as soon as permission is obtained. The longer term development plans proposed by the forth coming Local Plan indicates development potential for the area next to the Appeal site. The Appellants preference is to be on mains drainage and not to have continual breakdowns of drainage pumps and the safety net for the Council will be the Section 75 Agreement.