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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: NEIL STEWART (PLANNER, DEVELOPMENT CONTROL) & DON MCKEE (HEAD OF PLANNING AND DEVELOPMENT CONTROL)**

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**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR REFURBISHMENT AND PARTIAL REPLACEMENT OF WATER MAIN AND BREAK PRESSURE TANK, REALIGNMENT OF PART OF ACCESS TRACK AND ASSOCIATED WORKS, GLEN EINICH, AVIEMORE**

**REFERENCE: 04/538/CP**

**APPLICANT: SCOTTISH WATER, CASTLE HOUSE, 6 CASTLE DRIVE, CARNEGIE CAMPUS, DUNFERMLINE, FIFE, KY11 8GG**

**DATE CALLED-IN: 3 DECEMBER 2004**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Scottish Water are seeking planning permission for carrying out refurbishment works on the existing trunk water supply infrastructure in Glen Einich which lies to the south of Aviemore. Loch Einich has been the main source of public water supply for the Badenoch and Strathspey area since 1972. The existing infrastructure comprises abstraction arrangements at Loch Einich and a buried trunk main running the length of the glen to Blackpark Water Treatment Works (WTW) near Coylumbridge where disinfection facilities are located.
2. Concerns over the reliability of the water supply infrastructure, now over 30 years old, coupled with actual supply failures and projected growth in demand, have resulted in Scottish Water opting for the upgrading of the existing infrastructure in Glen Einich as the preferred approach in the medium term (upto 2016). The refurbishment works are therefore aimed at reducing; the likelihood of trunk main failure; the potential for loss of supply; the wastage of a high quality water resource; and the potential for uncontrolled environmental and social impact.
3. The development proposals for the refurbishment of the trunk main include:
  - Relining the trunk main over an approximate 6km length (involves the formation of 58 “intervention sites”);
  - Replacement of some minor sections of the main with new sections beneath the existing access track;
  - Replacement of all valves along the section of the main to be relined;
  - Refurbishment of the existing Break Pressure Tank; and
  - Reinstatement of damage to vegetation caused by historical pipe failures.
4. In addition, there is an access track, which divides into an upper and lower track at one section, and runs the length of the glen from Whitewell up to Loch Einich. This track, which is used by Rothiemurchus Estate, and walkers and bikers, is also used by Scottish Water to carry out inspections and maintenance of the infrastructure at present. Its condition is viewed as dangerous and unsightly in places and therefore there are proposals for upgrading and stabilising certain sections. The works for the track therefore include:
  - Realignment of the existing access track at the southern junction (“S” bend) to improve safety and visual impact;
  - Removal and reinstatement of the existing southern track junction (“S” bend); and
  - Repair of track erosion.

5. In order to maintain the water supply during the works, a temporary above-ground by-pass pipeline will be required. It will be installed in sections as work is carried out on each designated stretch of the main and moved onto the next section when work on that stretch has been completed. It is also necessary to form a contractor's compound during the works to store machinery and plant as well as house site offices and welfare facilities. This is to be located at the Inverdrueie Gravel Pit with access taken directly from the B970. Materials used in the works are to be delivered by tractor and trailer, dumper truck or by four wheel drive vehicles. The movement of plant and materials from the contractor's compound will be controlled by a temporary traffic management system. On occasion, a helicopter may be used to take material to relatively inaccessible areas at the southern end of the route. It is proposed to carry out the works over 2 seasons (May to October). In addition to the contractor's compound, there are three other "laydown" areas for the storage of materials (the existing borrow pit at Lochan Deo, the existing Break Pressure Tank site, and an existing borrow pit in Glen Einich) and a larger potential material storage location in an improved field at Whitewell Croft.
  
6. Glen Einich forms part of the River Spey catchment, which is of national and international environmental importance. The wider area carries a number of designations including:
  - Cairngorms SCI (Sites of Community Importance);
  - River Spey SCI;
  - Cairngorms SPA (Special Protection Area);
  - Loch Einich Ramsar Site;
  - Cairngorms NNR (National Nature Reserve);
  - Cairngorms (NSA) National Scenic Area;
  - The Cairngorms SSSI (Site of Special Scientific Interest);
  - The North Rothiemurchus Pine Wood SSSI; and
  - Proposed World Heritage Site
  
7. Under the Environmental Impact Assessment (Scotland) Regulations 1999, the planning application is accompanied by a full Environmental Statement (ES). This covers all matters including;
  - Approach to the ES;
  - The proposed development details, need, construction methodology etc;
  - Alternatives considered;
  - Ecology and nature conservation;
  - Landscape and visual impacts;
  - Socio-economic and landuse;
  - Geology and soils;
  - Water resources;
  - Archaeology and cultural heritage;
  - Noise and vibration;

- Air Quality and climate; and
- Cumulative effects;

## DEVELOPMENT PLAN CONTEXT

8. In the **Highland Structure Plan 2001**, there are several relevant policies. **Policy G2 (Design for Sustainability)** requires proposed developments to be assessed on the extent to which they (amongst other things) are compatible with service provision (water, drainage, roads etc.); impact on resources such as habitats, species, landscape, scenery, freshwater systems, cultural heritage and air quality; and contribute to the economic and social development of the community. **Policy G3 (Impact Assessments)** requires the submission of environmental and/or socio-economic impacts studies where a proposed development is likely to have significant effects. Developments that have a significant adverse effect will only be approved if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit, or if satisfactory overall mitigation measures are incorporated.
9. **Policy N1 (Nature Conservation)** seeks to minimise the impact of developments on nature conservation resources (international, national, and local) and enhance it wherever possible. **Policy L4 (Landscape Character)** seeks to maintain and enhance present landscape character in the consideration of development proposals. **Policy BC1 (Preservation of Archaeological Sites)** seeks to preserve archaeological sites, or in exceptional circumstances, requires sites to be recorded at the developers expense. **Policy U3 (Water Supplies)** safeguards water resources from developments, land use changes or other activities that would result in a significant reduction in the volume or quality of water available. There is general support for the development and upgrading of water supply services as a key contribution to the strategic themes of creating an improved and high quality business and living environment.
10. There are no specific planning policies in the **Badenoch and Strathspey Local Plan 1997** relating directly to utility upgrade proposals. However, one of the plan's principle objectives is to continue to upgrade and extend essential infrastructure networks, and safeguard all significant aspects of the natural and cultural heritage, including the outstanding landscape and conservation sites. More specifically, **Policy 2.5.5. (Nature Conservation)**, states a presumption against development which would have a significant detrimental effect on designated nature conservation sites, including SSSIs and NNRs. **Policy 2.5.10. (Landscape Conservation)** seeks to conserve areas of landscape importance, including NSAs. **Policy 2.5.14. (Archaeological Sites)** protects Scheduled Ancient Monuments and other recorded archaeological sites from impingement by development.

11. The **CNPA Consultative Draft Interim Planning Policy No. 3 (Vehicle Access Tracks)** seeks to ensure that new tracks, if justified, will be as inobtrusive as possible in the landscape. In this respect, they must meet certain criteria.

## CONSULTATIONS

12. Under the EIA (Scotland Regulations) 1999, the **Scottish Executive Environment Group** have been consulted. With reference to their responsibilities for water supply, water protection, sewerage, flood prevention, coastal protection, waste disposal, air quality, countryside and natural heritage, without prejudice to any further consideration the Scottish Ministers may be required to give, they have no comments to offer on the ES.
13. Consultants on behalf of the **Scottish Executive Trunk Roads Division** have advised that the proposed development during construction would intensify and increase associated traffic movements on the local road network. However, the percentage increase, is likely to cause minimal environmental impact on the trunk road network. As such, they offer no comments.
14. **Highland Council's Area Roads Manager** has recommended some conditions, if the application is approved. A joint video/photographic survey is required to record the condition of any public roads within or close to the works (including the full length of the U250 Tullochgrue Road, and the B970 Ski Road between its junction with the U250 Tullochgrue Road and the entrance to Inverdrue Quarry). During construction carriageways and verges of public roads shall be maintained in a safe and satisfactory condition, and any damage caused shall be repaired.
15. **Aviemore & Vicinity Community Council** have agreed that they will rely on SNH to protect any environmental designations.
16. The **Scottish Mountaineering Council of Scotland** accepts that this work is essential. However, they wish to ensure that it is carried out with the minimum of disturbance to the environment and that disturbed areas are restored afterwards. Expert independent monitoring throughout the construction period is necessary. With regard to the track, they feel that the current track should not be upgraded any more than is essential for the applicant's vehicles.
17. The **Ramblers Association** stress that due to the sensitive and protected location, the utmost care should be taken to minimise impacts during construction and afterwards. They are pleased to see the commitment to maintaining public access throughout the glen during works. However, flora, fauna and soils should not be compromised. They are supportive of the plan not to refurbish the

lower track but are more concerned about works to upgrade the upper track. They do not wish to see a precedent set for wide tracks within the National Park. They recognise that work is necessary at the southern junction of the upper and lower tracks but wish the re-routing of the "S"- bend to be carried out sensitively. They wish to see expert independent monitoring.

18. The **CNPAs Access Officer (Visitor Services and Recreation Group)** states that due to the wide open nature of the glen, the unfenced nature of the existing tracks and the existence of parallel tracks in places, the effect of any physical blocking of access for recreational users who approach the glen from the north or south will not be a problem. Alternatives are relatively straightforward. However, where the lower track reduces to 1m in width, it is recommended that works do not take place on both upper and lower sections of the track at the same time. In general, the retention of public access is welcomed but there is some concern about whether the applicants are recommending that steps should be taken to actively discourage access during the period of work. Glen Einich is an important location for a substantial number of recreational opportunities and the works are scheduled during peak periods. It is therefore recommended that any communication with the public and/or signage, is advisory and informative rather than discouraging in nature. In this way, recreational users can feel confident that access will be maintained, and it allows users to make decisions/choices themselves on the basis of the information provided.
19. **SEPA** have been involved in on-going discussions and are satisfied that all their concerns have been addressed.
20. **Highland Council's Archaeology Service** has confirmed that the proposal is located in an area where there are important historic and prehistoric remains and therefore mitigation measures are required at several places. In addition, the line of the pipe crosses a legally protected Scheduled Ancient Monument at Balvattan. Historic Scotland need to be consulted and Scheduled Ancient Monument Consent is required. The ES provides a cultural heritage assessment and there is agreement that a number of the recommendations made are appropriate. However, in addition to these recommendations being carried out and a condition being imposed, requiring a programme of archaeological work, prior to works commencing on site, it is stated that the use of the improved field at Whitewell Croft as a storage area, if there are groundbreaking works, will also require further archaeological works.

21. **Historic Scotland** initially raised serious concerns about the impact the works would have on the Scheduled Ancient Monument at Balvattan (settlement and field system). In addition, the information provided in the ES with regard to this was deemed to be contradictory and insufficient. However, further to this, Historic Scotland have confirmed that the applicants have entered into productive exchanges with them. They are now confident that the outstanding concerns regarding potential impacts on the Monument can be addressed through the normal channel of Scheduled Ancient Monument Consent. They understand that an application for this Consent is being prepared along the lines discussed.
22. The **CNPAs Housing Policy Officer** states that it is imperative that the works are completed to allow water capacity. Otherwise this will impact on the ability to provide additional housing in the future. Leakage was an issue raised in the Q & S 3 Paper and this proposal should assist in alleviating the problem and ensuring that water pressure is at its best.
23. The **Spey Fisheries Board** welcomes the repair method outlined (relining of pipe) as this will minimise disturbance. However, they state that the proposal has the potential for disturbance to salmon populations at the ford crossings and potential for changes in run-off quality due to track realignment and smaller burn crossings. Also salmon do not seem to have been given the same attention that other protected species have been given in the ES. More details on risks and mitigation are requested.
24. The advice of an **independent landscape consultant** has been sought on the applicant's landscape and visual assessment (LVA). In summary, the assessment is viewed as comprehensive and follows accepted methodology. The selection of the relining technique over an open trench method will significantly reduce landscape and visual impacts. The proposal for an environmental manager to oversee the works will be a benefit. There is general agreement with the findings of the LVA although minimising impacts in the longer term is linked to the success of the mitigation measures in particular vegetation reinstatement. With regard to the track works, it is found that the options for the new section of track to replace the "S"-bend are limited by the topography. It is considered that the proposed alignment is optimal, taking account of the need for a suitable gradient while keeping the length to a minimum. In terms of specification, due to usage type and numbers the new section of track should be as robust as possible, in order to reduce frequent maintenance and adverse visual impacts of deterioration. With regard to the Intervention Sites, storage of soil and turves could damage vegetation which could in turn have lasting visual impacts. The success of the mitigation is directly linked to close monitoring. It should, however, also be considered that the improvement works represent an opportunity to address existing drainage and erosion issues which are detrimentally impacting on the baseline landscape character and visual amenity.

25. **SNH** have been heavily involved in the progress of this application and have provided detailed responses because of the nature of the development (considerable engineering activity) in an area of exceptional natural heritage interest and sensitivity. To summarise, SNH objected but considered that the works could be undertaken without unacceptable impacts provided:
- Clarification of the proposed track improvements which enables impacts to be assessed with confidence.
  - An appropriate assessment is carried out which concludes no adverse impact on features of European interest. **(CNPA Natural Resources Group have carried out an appropriate assessment – see para. 27. below)**
  - Mitigation proposals are developed further and are collated into a clear mitigation plan which is subject to appropriate planning controls.
  - Duration of proposed monitoring and commitment to reinstatement extended.
  - Further information on aquatic impacts provided and assessed.
  - Mitigation measures are covered by planning conditions and, if appropriate, an application is made to the Scottish Executive for a licence in respect of otters, wildcat and bats.
26. Further to discussions and negotiations, the applicants have submitted a detailed Environmental Management and Mitigation Plan (EMMP). On the basis of this, provided appropriate planning conditions are imposed relating to the mitigation works, construction protocols and monitoring procedures as stated in the EMMP, SNH withdraws its objections.
27. The development is within a European Designated Area and the proposal is not directly connected with or necessary to the management or conservation of the designation. As such, on behalf of the **CNPA** as a competent authority, the **CNPA Natural Resources Group** has carried an **appropriate assessment**. It is stated that the project is likely to have a significant effect on the nature conservation interests of the designations and that there are no imperative reasons of overriding public interest that the development should take place on this site. It is accepted that the provision of water is an important and legitimate public interest, but there appear to be no imperative reasons why it must come from Glen Einich. In earlier work, alternatives for a water supply in Badenoch and Strathspey had been considered by Scottish Water but Glen Einich was chosen as the preferred option. Other options within Glen Einich, have also been considered but rejected on environmental grounds. Nevertheless, the conclusion of the assessment, is that, provided the management, mitigation, and monitoring procedures and protocols encompassed in the ES and the EMMP are appropriately implemented, the proposal will not have a lasting adverse impact on the site integrity of features of European interest.



28. In addition, the **Natural Resources Group**, have raised two other issues. The first is that it is essential that the applicants appoint a suitably qualified person as the on-site environmental manager/supervisor. It is imperative that this person has relevant experience in dealing with upland development issues and is capable of making the correct decisions on the spot, without recourse to other bodies. The second is a concern about the cumulative impacts of potential future proposals. Assurances have been sought that this is a stand alone development that would not be followed by additional developments in Glen Einich but clear answers have not been forthcoming.

## REPRESENTATIONS

29. The application has been advertised under Section 34 of the Town and Country Planning (Scotland) Act 1997 and under the Environmental Impact Assessment (Scotland) Regulations 1999. Two representations have been received and these are attached to the report. **Please note that the applicant has requested to address the Committee.**
30. Attention is drawn to Strategic Issue 7 and Action 7.1.2. of the CRAGG Integrated Management Strategy. These seek to ensure the highest environmental standards are set for any upgrading works. Another concern raised relates to the motives behind the proposals for the improvements to the track. These works are clearly to make access for Scottish Water and Rothiemurchus Estate easier and not for the benefit of walkers and cyclists. In addition, it is noted that in other areas of the Park, money is being spent on downgrading vehicle tracks to paths.

## APPRAISAL

31. A development of this scale, nature and sensitivity inevitably raises a number of wide ranging detailed issues. The full Environmental Statement (ES), the consultation responses detailed above, and the proposed Environmental Management and Mitigation Plan (EMMP) are exhaustive in covering these detailed issues. The following appraisal therefore provides a summary of the main issues, and how they affect the assessment of the proposal and our recommendation.
32. The main issues are the principle and need for the development, the impacts on natural and cultural heritage and proposed mitigation, and access and track works.

## Principle and Need

33. The need for a quality, reliable source of water for the Badenoch and Strathspey area is clear in the interests of health and well-being, and the social and economic development of the area. Planning policy is fully supportive of the need to ensure the effectiveness and efficiency of infrastructure provision. Adequate water supply facilities are key strategic objectives for developing housing and business opportunities and enhancing the high quality of the environment.
34. The existing infrastructure in Glen Einich was installed over 30 years ago. It is stated that it has significant issues resulting from being under-classed and having poorly laid pipe. These conditions have resulted in numerous trunk main failures that have caused interruption of supply, chronic and acute leakage leading to wastage of the resource and environmental damage from the failures and subsequent emergency repair works. It is the case that if the condition of the supply infrastructure is not improved then this situation will continue and possibly worsen. In accordance with the scoping requirements for the ES, alternative sources of a potable water supply have been considered by Scottish Water. Based on studies encompassing, required engineering works, costs, and surveys of environmental, cultural and social impacts and their mitigation, all but one of the alternatives (Loch Gynack) were deemed to provide opportunities. However, the supply from Loch Einich, with its existing infrastructure, excellent quality, high pressure delivery capabilities and minimum need for extensive additional treatment, was considered to be the Best Practical Environmental & Social Option (BPSO) in the medium term. At the same time, it was considered that, due to the high level of international, national and regional environmental sensitivities in Glen Einich, a repair upgrade scheme, as opposed to a new scheme, should be undertaken.
35. Taking these factors into account, on its own merits, the principle of the development is supportable. In stating this though, it is noted that the proposal is designed in accordance with the priorities established for Scottish Water's current investment period which have been set by the Scottish Executive. Apart from an increase in supply due to a reduction in wastage, there is no specific growth driver. Like drainage infrastructure, Scottish Water do not provide additional capacity for future growth unless specifically funded to do so. As such, Scottish Water have emphasised that, should the Glen Einich supply require further upgrading in the future as a result of changes in legislation, such a proposal, would be determined on its own merits at that time. It is stated that the proposed development is not a phased development, and therefore concern about future requirements, is not a material consideration. While accepting this to be the case, supporting the current proposal in principle, is not considered to provide any degree of comfort about the acceptability, or otherwise, of any potential future water infrastructure projects in Glen Einich.

## Impacts on Natural/Cultural Heritage and Mitigation

36. The majority of the concerns raised by consultees, about this proposal, have resulted from the impact on the highly sensitive natural and cultural features of interest in the locality. In general, the choice of relining the pipe (apart from 3 short sections of new pipe under the track) as opposed to conventional methods for laying a new pipe (open trench), has an advantage in that it reduces considerably the amount of excavation required. In order to carry out the relining procedure, a series of intervention sites are to be created at regular intervals where the new lining will be inserted. Each intervention site will comprise an area to be excavated, an associated fenced off working zone around the excavated area, and the route from the access track. This method is designed to restrict the operating areas to the minimum in order to protect surrounding habitat, vegetation and plant communities. The ES contains a detailed assessment of the environmental situation at each intervention site, and what impacts are likely. This broad overview of the constructional methodology of the works demonstrates how impacts on natural heritage will be minimised.
37. While the ES assesses in detail the impacts, it accepts that there will be adverse effects on the conservation value of the location. The important issue is therefore how can the management of the project, and the mitigation and monitoring proposals minimise short and long term impacts. The concerns of consultees in this respect have been addressed in the detailed EMMP submitted by the applicants. This EMMP covers matters relating to:
- **Requirement for pre-start meeting** (with all appropriate bodies)
  - **Legal requirements** (confirms all site practices will conform with all environmental legislation, the EMMP, method statements, best practice models and guidance etc.)
  - **Resources, roles, responsibility and authority** (defines roles and responsibilities in relation to the effective environmental management of the project, including the contractor, the environmental manager/supervisor, and all site staff and visitors)
  - **Competence, training and awareness** (ensures a level of competence, training and environmental awareness, and qualifications for all staff)
  - **Communication** (details methods of providing information to the public, prior to and during the works relating to access, need for development, nature of works, progress etc. Also includes details of construction programme, traffic movements and management, vehicle types, and health and safety risks related to the track proposals)
  - **Committed mitigation** (includes, reference to protected species, preventative maintenance of plant and vehicles, timing of particular works, recording of pre and post construction conditions, amended impacts and committed mitigation and

method statements for establishment and reinstatement of intervention sites, disinfecting and cleaning pipes, welding the liner pipe, installation and removal of temporary by-pass pipe, roll down of the liner pipe, access track works)

- **Drainage** (details drainage and run-off proposals for the track work)
- **Emergency preparedness and response** (details procedures for dealing with emergency situations, including contact details, preparation of watching briefs, and reinstatement)
- **Monitoring and measurement** (ensures appropriate monitoring and measurement pre-construction, during construction and post construction, including photographic records, surveys of species, and submission, if necessary, of appropriate applications for European Protected Species Licence to the Scottish Executive. Also there will be post construction monitoring of reinstated vegetation, and preparation and approval of site audit checklists).

38. On the basis of the EMMP summarised above and the fact that the appropriate assessment concludes there will be no adverse impacts on site integrity provided there are conditions requiring the agreed mitigation, SNH have withdrawn their objections. As such, impacts on the sensitive and fragile natural heritage of this location are minimised and the terms of relative planning policies are met.
39. With regard to cultural heritage, the main feature of interest is the Scheduled Ancient Monument at the prehistoric settlement and field system at Balvattan. Historic Scotland had significant concerns about the impact of the works on this Monument. As a result, the applicants have agreed mitigation measures with Historic Scotland and as such, Historic Scotland have confirmed that the impact of the proposed works on the monument can be satisfactorily addressed through the normal channel of an application for Scheduled Ancient Monument Consent. In addition, the EMMP contains an archaeological survey carried out in February by a suitably qualified organisation. This determines that the line of the existing pipe does not directly impact on existing visible features, except where there is evidence of a rubble wall (deemed to be of 18<sup>th</sup> or 19<sup>th</sup> century origin and therefore not comprising an element of the prehistoric landscape, emphasised by the fact it lies mainly outwith the Scheduled Area). It recommends that inadvertent damage can be avoided through adherence to simple procedures (vehicles movements kept to the existing track, temporary roadways to intervention sites being lain on the surface only, and use of temporary protective fencing). The conclusion is that provided a watching brief and on-going archaeological monitoring continues throughout the works at this site, the direct impact on the Scheduled Area will be minor or mitigated.

## Access and Track Upgrades

40. A number of the consultees and representees have expressed some concern about the impact of the works, during construction, on existing recreational access along the glen. The ES and the EMMP provide considerable detail about how access will be maintained throughout, and how information on the works will be relayed. There is no doubt that the quality of the recreational experience through the glen will be affected. However, provided there is no active discouragement, extensive and quality information is provided on an on-going basis, health and safety issues are adequately addressed, and alternatives are provided, all as stated in the ES and EMMP, the overall concerns about recreational access are addressed.
41. There are proposals for providing some existing track upgrades and for creating a new realignment of track at the southern end of the upper track. The main reasons for these works are two-fold. There are safety concerns about the state of some parts of the tracks, as a result of erosion and gradients, and the erosion, which will only continue, also has caused highly visible scars. The upgrade works include camber reversal, re-profiling, stabilisation and drainage works on parts of the upper track, and works on drainage and reinstatement at the northern junction of the lower and upper tracks. The "S"-bend at the southern junction of the two tracks is viewed as highly visible, steep, and dangerous. The solution is to cut a new track extending from the top of the upper track, southwards at a steady gradient down to the lower track covering a distance of approximately 140m. The material excavated from this new track, other excavations and if necessary some locally imported materials will then be used to remove and fully reinstate the "S"-bend route. There are no proposals to widen any track.
42. Again the ES and the EMMP provide detailed information on proposed construction methodology and mitigation techniques. On the basis of this, SNH have confirmed that they are satisfied with the proposals and as such, it is found that these works are acceptable and conform with policy. In terms of landscape impact, it is the case that some parts of the existing track system, in particular the upper track and the "S"-bend, are highly visible because of scarring from erosion. The upgrade works do present an opportunity to improve the visual appearance of these existing tracks while improving safety for users. It is the case that the new length of track will create a new visual impact over an open slope of heath. However, it will be formed and finished in accordance with the agreed protocols, and its impact must be balanced against the advantages created by the removal and reinstatement of the "S"-bend. In conclusion, subject to implementation of the EMMP, the works relating to track proposals are found to be satisfactory.

## **Conclusion**

43. The consideration of this highly sensitive proposal has been extensive. The principle and need for the development has been demonstrated, although, it should be noted that acceptance of this proposal, in no way, guarantees acceptance of any future proposal in the glen. The detailed proposals for the management, mitigation and monitoring of the development, from pre-construction, through to post construction, covered in the ES and the EMMP, provide a satisfactory level of assurance that the natural and cultural heritage of the area will not be adversely effected, and that recreational opportunities will be maintained.

## **Conserve and Enhance the Natural and Cultural Heritage of the Area**

44. There is no doubt that there are impacts on the natural and cultural heritage of the area. It is a heavily designated location. However, the ES undertaken has highlighted the environmental impacts with a view to conserving and reducing them. In addition, the management, mitigation and monitoring procedures contained in the EMMP, provides the level of assurance required to ensure that no significant long term adverse effects are created.

## **Promote Sustainable Use of Natural Resources**

45. The proposed work is to overcome problems of water supply created by the age and nature of the existing infrastructure. The improvement to the infrastructure will significantly reduce future wastage of this water resource.

## **Promote Understanding and Enjoyment of the Area**

46. The ES and EMMP assess the impacts of the proposal on recreational activities in the glen and how they will be mitigated. The enjoyment of the area will be adversely effected by the development during its construction phases. It is therefore negative in terms of this aim in the short term. However, provided access is maintained, there is sufficient dissemination of information, and alternatives routes are promoted, all as proposed, the level of disturbance can be minimised. Provided the reinstatement proposals are carried out satisfactorily, there will be no long term adverse impact on the quality and character of the area.

## **Promote Sustainable Economic and Social Development of the Area**

47. The provision of a reliable, sustainable water supply for the Badenoch and Strathspey area of the Park is essential for the social and economic development of the area's communities in terms of supporting quality business and residential opportunities.

## RECOMMENDATION

48. That Members of the Committee support a recommendation to:

**Grant Full Planning Permission for the Refurbishment and Partial Replacement of Water Main and Break Pressure Tank, Realignment of Part of Access Track and Associated Works, Glen Einich, Aviemore, subject to the following conditions:-**

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. The implementation and construction (before, during and on completion of the works) of the entire development (including the relining of the trunk mains, the replacement of sections of the trunk mains under the existing track, the replacement of valves, the construction of the temporary by-pass pipe, the refurbishment of the break pressure tank, the realignment of the track at the southern junction, the reinstatement of the existing southern track junction and the repair and upgrade of existing eroded sections of track) shall be carried out in accordance with all the management, mitigation and monitoring procedures, protocols, method statements and risk assessments, contained within the Environmental Statement and the Environmental Management and Mitigation Plan, all to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SNH and any other relevant statutory or non-statutory body. There shall be no deviation from these agreed procedures, protocols, method statements and risk assessments, without the further written approval of the Cairngorms National Park Authority, following consultation with SNH and any other relevant statutory or non-statutory body.
3. In addition to Condition No.2 above, prior to the commencement of any works on site, a suitably qualified and experienced Environmental Manager/Supervisor (details of qualifications and experience to be demonstrated and submitted for the further written approval of the Cairngorms National Park Authority and SNH, prior to appointment) shall be appointed and be in place. The Environmental Manager/Supervisor shall have overall responsibility for ensuring that the development, (before, during and on completion of the works) is carried out in accordance with the management, mitigation and monitoring procedures, protocols, method statements, and risk assessments contained within the Environmental Statement and the Environmental Management and Mitigation Plan.
4. Prior to the commencement of any development on site, a joint video/photographic record, carried out by the applicants and

Highland Council Area Roads and Community Works Manager, shall be carried out to record the condition of public roads within and close to the proposed development. For the avoidance of doubt, the roads to be surveyed shall include the U250 Tullochgrue Road over its entire length, and the B970 Ski Road, between its junction with the U250 Tullochgrue Road and the entrance to the Inverdrue Quarry.

5. Prior to the completion of the works on site, the applicant shall carry out permanent repairs to the carriageways and verges of any public road damaged as a result of the works, as required by Highland Councils Area Roads and Community Works Manager. All repairs shall be to the satisfaction of the Cairngorms National Park Authority, in consultation with Highland Councils Area Roads and Community Works Manager.
6. That during the course of the works, the applicant shall ensure that all carriageways and verges, of the public roads detailed in Condition No. 4 above, are maintained in a safe and satisfactory condition.
7. In addition to Condition No. 2 above, prior to the commencement of works on site, exact details of all proposed signage (including, locations, size, design and content), which shall actively encourage continued recreational access and use of Glen Einich, provide information on the on-going works, provide health and safety advice and inform of alternative routes where necessary, shall be submitted for the further written approval of the Cairngorms National Park Authority.
8. In addition to the archaeological survey and mitigation measures detailed in the Environment Management and Mitigation Plan and the Environmental Statement, if the improved field at Whitewell Croft is to be used as a storage area, and the proposals to form this involve groundbreaking works, a further programme of archaeological works for the preservation and recording of any archaeological features affected by the development, including a timetable for investigation, shall be carried out (at the developers expense) by a suitably qualified archaeologist, prior to works commencing at the location. The findings, and any requirement for further recording, shall be set out in a report which shall be submitted for the further written approval of the Cairngorms National Park Authority in consultation with Highland Councils Head of Environment (Archaeology).

**Neil Stewart**  
**30 May 2005**

**planning@cairngorms.co.uk**