
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: ROBERT GRANT, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: CONSTRUCTION OF A NEW WASTEWATER TREATMENT WORKS AND ANCILLARY DEVELOPMENT AT LAND 50M SOUTH EAST OF TOMBOYACH HOUSE, NETHYBRIDGE ROAD, BOAT OF GARTEN

REFERENCE: 10/045/CP

APPLICANT: SCOTTISH WATER, C/O SCOTTISH WATER SOLUTIONS

DATE CALLED-IN: 5 MARCH 2010

RECOMMENDATION: APPROVE WITH CONDITIONS

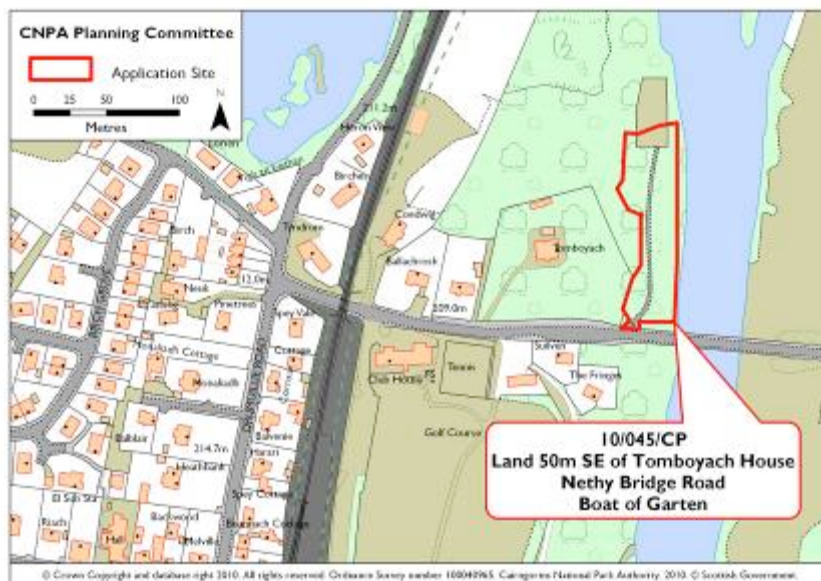


Fig. 1 - Site location plan

SITE DESCRIPTION AND PROPOSAL

1. The application site, extending to 0.47ha, is located on the west bank of the River Spey, to the east of Boat of Garten and comprises an existing Wastewater Treatment Works (WwTW) set within a partly wooded amenity area on the approaches to the village. The existing WwTW is currently accessed from an unmade track taken from the Nethybridge Road, by the Boat of Garten Bridge and is used by walkers, canoeists and general leisure users. The site is generally flat adjacent to the river before reaching a steeply sloping embankment to the west of the site; a large number of birch trees cover the slope.



Fig. 2 - View of site access from Boat of Garten Bridge



Fig. 3 - Existing track looking back to site access



**Fig. 4 - Site from opposite bank
(Existing WwTW far right)**



**Fig. 5 - Existing WwTW
(6 underground septic tanks)**

2. Full planning permission is sought by Scottish Water for the construction of a new WwTW and additional infrastructure located on land within and immediately to the south of the existing treatment works. The principle drivers for the development are to comply with statutory obligations to ensure wastewater from urban areas is subject to appropriate treatment prior to final discharge into the river and to address an existing shortfall in the capacity of the treatment works (and also allowing for future development in Boat of Garten). The proposed works would include a number of elements making up the WwTW, including:

- 4 septic tanks, each of 56 cubic metres capacity and located partially underground;
- 1 underground flow splitter chamber;
- 1 underground combined storm overflow chamber;
- 1 underground pumping station;
- 2 Submerged Aerated Filter (SAF) units partially buried;
- 1 control building (10m x 2.5m x 3.5m high)
- 2 77 cubic metre capacity humus tanks, partially buried;
- A site compound enclosed by a 1.2 m high post and wire fence, with tarred access road (3.5m wide) and turning circle for tanker vehicles.

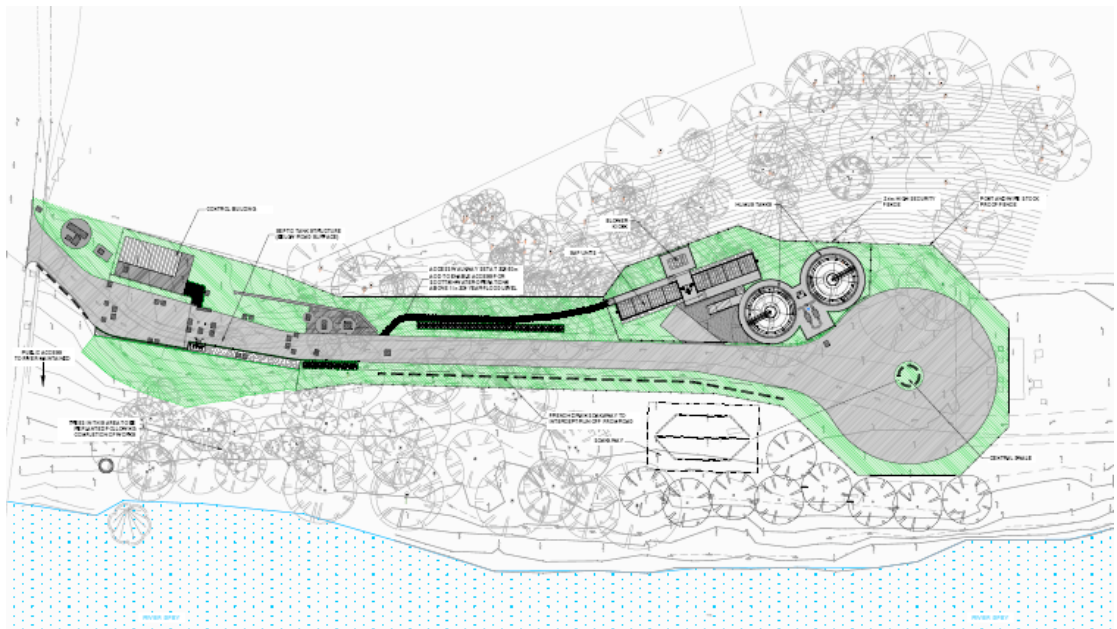


Fig. 6 - Proposed site layout plan

3. The site is linear in form along the river bank, extending from the existing works in the north to the access track up to the public road to the south. The site would be laid out to account for the sloping embankment and the close proximity of the river. Associated site works include some earthmoving to accommodate the control building, tanks and other plant equipment partly within the sloping embankment, the construction of an upgraded access road and landscaping (ivy covered walls, with some existing stands of trees

retained and additional screen planting). The control building is proposed to be Glass-Reinforced Plastic (GRP) finished in a suitable colour to be agreed with the CNPA, however these details are subject to change. A number of the other structures would be concrete or coloured metalwork. Alongside this, an area would be dug out to provide for compensatory flood storage capacity to account for that lost as a result of the proposed development. Lastly, a section of gabion baskets would be formed to stabilise the river bank.

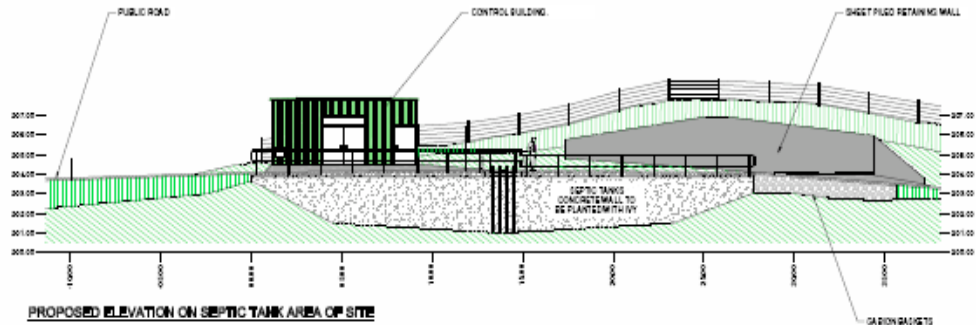


Fig. 7 – Proposed south elevation of site areas (south section)

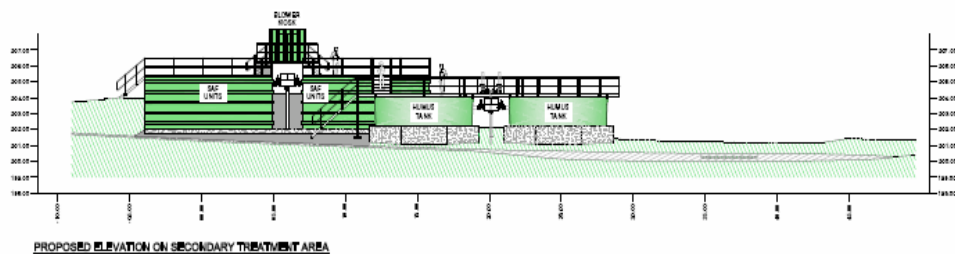


Fig. 8 – Proposed south elevation of site areas (north section)

4. A number of amendments have been made to the proposals to address concerns raised by SEPA over flooding and loss of flood compensatory storage. As a result of this, the layout has been revised to move the control building further to the south toward the access point at the front of the site, a larger area requires to be excavated for flood compensatory storage which would also require a number of additional trees to be felled (approximately no. 28 for the whole scheme).

Operations

5. A detailed operations statement has been submitted setting out details of the capacity of the existing WwTW, the estimated demand and the project drivers for the new WwTW scheme (see supporting information section). It outlines the treatment process, which would utilise septic tanks for primary filtration of wastewater followed by the SAF units and humus tanks providing a secondary level of treatment prior to outfall to the River Spey (via the existing outfall pipe). Sludge would be removed by tanker once per month, with regular maintenance carried out weekly. It further confirms that the existing sewer network in Boat of Garten shall be retained unmodified.

Planning History

6. A series of planning applications were called in by the CNPA for the construction of a new waste water pumping station (08/226/CP) and a new WwTW (08/227/CP) at the Corronich Sawmill by Boat of Garten, these were withdrawn in October 2009 following possible pollution impact concerns on the Spey SAC and issues about the impact of the proposals on the Scheduled Ancient Monument at Tom Pitlac, an ancient fort site on a hill top adjacent to the site. A number of alternative sites (8no. total) were examined with the CNPA, SNH and SEPA fully consulted, whereupon it was considered that redevelopment of the existing site was the most desirable option provided flood risk and pollution risks to the SAC could be suitably addressed.

Supporting Information

7. The applicant has provided background to the proposals for the WwTW alongside a Flooding Report. This states that the existing works serves almost the entire village of Boat of Garten (the 2001 census puts the population of the village at 533) and is currently overloaded - existing capacity is provided at a level for approximately 460 population equivalent (PE – a measure of biodegradeable load) for residential and non-residential customers; however the existing catchment currently serves an estimated demand of 928 PE while a further 148 PE is required for future growth of the village (see figure 9).
8. In addition, the existing WwTW infrastructure including 6 underground septic tanks contains no storm overflow provision or fail-safe system to alert Scottish Water of potential problems; in times of high water levels this can result in the septic tanks backing up and flushing out into the River Spey.
9. There are two project drivers for the development - Scottish Water has a statutory obligation to ensure wastewater is appropriately treated before final discharge to any waterbody; secondly providing for a higher PE by removing any infrastructure constraints – the existing WwTW was built in the 1940's and later extended to accommodate 460 PE; the new works would account for the existing shortfall within the system and allow for additional capacity – amounting to a total of 1076PE. **For clarification the replacement WwTW would alleviate existing capacity problems associated with the existing works, and would also be of assistance in facilitating any planned growth of the settlement. However, the development of the WwTW is required irrespective of any housing in Boat of Garten being permitted or otherwise.**

Population Equivalent (PE) for Boat of Garten WwTW	
Current Capacity	460 PE
Estimated Demand	928 PE
Shortfall	468 PE
Future growth capacity	148 PE
Total new WwTW capacity	1076 PE

Fig. 9 – Capacity levels at Boat of Garten WwTW

DEVELOPMENT PLAN CONTEXT

10. Section 25 of the Town and Country Planning (Scotland) Act 1997, reaffirmed by the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Highland Structure Plan 2001 and the Cairngorms National Park Local Plan 2010.

National Planning Policy

11. The consolidated **Scottish Planning Policy**¹ is a statement of the Scottish Government's policy on nationally important land use planning matters. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
- The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system should allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
12. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
13. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
14. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, flooding, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

¹ February 2010. **SPP** supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance.

15. Economic development : planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that new economic opportunities can be realised.
16. Landscape and Natural Heritage : Planning authorities are encouraged to take a broader approach to landscape and natural heritage than just conserving designated or protected areas and species. It is recognised in the SPP that the landscape in the countryside and in urban areas is constantly changing and the aim is to “facilitate positive change whilst maintaining and enhancing distinctive character.” As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by local landscape character.
17. Flooding and drainage : It is accepted in the SPP that flooding is a natural process which cannot be entirely be prevented, but it can be managed to reduce its social and economic consequences and to safeguard the continuing functioning of services and infrastructure. In determining planning applications, planning authorities are required to take into account the probability of flooding from all sources and the risks involved. Any development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not generally be permitted. It further states areas of medium to high risk of flooding are generally not suitable for essential civil infrastructure unless appropriate measures to manage flood risk are included and the loss of functional flood plains and flood storage capacity mitigated to produce a neutral or better outcome.
18. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

² Para. 256.

Strategic Policy

Cairngorms National Park Plan (2007)

19. Strategic objectives for the **Landscape, Built, and Historic Environment** include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Amongst the strategic objectives for **Sustainable Use of Resources** is a requirement that all management and development in the Park should seek to make the most sustainable use of natural resources, including water and energy.

Structure Plan Policy

Highland Structure Plan 2001

20. In the **Highland Structure Plan** sustainable objectives include maximising, the effectiveness and efficiency of infrastructure to promote economic development; and to ensure the quality of air, water and land. The Structure Plan recognises the commitment of Scottish Water to meeting legislative environmental obligations and to ensure the future development needs of Highland communities is secured by providing appropriate infrastructure.
21. This general support is encompassed in **Policy U3 (Water Supplies)** which seeks to safeguard water resources in terms of volume and quality of water.
22. **Policy G2 (Design for Sustainability)** states that development will be assessed on the extent to which they, amongst other things, are compatible with service provision; contribute to the social and economic development of the community; impact on resources such as habitats, species, landscape and freshwater systems and contribute to sensitive siting and high quality design in keeping with local character and the historic and natural environment;
23. **Policy L4 (Landscape Character)** seeks to maintain and enhance present landscape character.

Local Plan Policy

Cairngorms National Park Local Plan 2010

24. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at: <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>

25. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
26. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
27. The application site is located outwith the Boat of Garten settlement boundary, immediately adjacent to an area of flood risk.
28. **Policy 1 Natura 2000 sites (including SAC's)** states that development likely to have a detrimental impact on such a site will be subject to an appropriate assessment. Development will only be permitted where it has an overriding public interest, relating to human health, safety or environmental reasons.
29. **Policy 2 National Natural Heritage** requires that development does not adversely affect the National Park, or a Site of Special Scientific Interest (SSSI).
30. **Policy 6 Landscape** any development that does not complement and enhance the character of the Park will not be permitted unless there are clear socio-economic benefits and the adverse effects have been fully minimised and mitigated.
31. **Policy 22 Water Resources** requires all development to minimise the treatment of water and not result in the deterioration of the ecological status of waterbodies. With regard to flooding, development should not be at risk of flooding or increase the risk of flooding elsewhere or affect the functional floodplain. In amongst other requirements there is a need for all development to make a connection to public sewer networks where possible.
32. **Policy 31 Waste Management** safeguards existing strategic waste management facilities.
33. **Policy 34 Outdoor Access** development proposals which would result in a reduction of public access rights, or loss of linear access will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

34. The CNP Local Plan is the subject of an appeal under Section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been taken of the Appeal in the determination and the recommendation made in respect of this application.

CONSULTATIONS

35. **SEPA** initially objected to the proposal on flood risk grounds, requiring that compensatory flood storage was provided on a like-for-like basis and stating that the development should be able to withstand a flood event. Following the provision of additional information **SEPA** withdrew its objection in a response dated 20 December 2010 as revised drawings clearly demonstrated that the compensatory proposals had a neutral or better effect on flooding.
36. **SNH** highlight at the outset of the consultation response that the advice is given in accordance with the casework agreement which exists between **SNH** and the **CNPA**. **SNH** have therefore limited their consideration to the implications for the interests of the SAC, SSSI and European Protected Species and makes no comment on landscape, public access and other natural heritage interests.
37. **SNH** does not object but suggests a number of suspensive conditions to protect the SAC and SSSI. **SNH** recognises that water quality discharged to the River Spey should be of a higher quality as a result of the proposed WwTW and there would be less likelihood of storm water sewage outflows polluting the river - therefore the proposal would be a significant benefit to the SAC, SSSI and on European Protected Species (Atlantic salmon, sea lamprey, otter and freshwater pearl mussel). The proposed works would be based entirely on the river bank, as a result there would be no in-river works and an Appropriate Assessment is not required.
38. **Highland Council Environmental Health (TEC Services)** raised concerns regarding the risk of odour emissions and required an Odour Management Plan to be submitted. A number of conditions were recommended relating to the submission and subsequent adherence of this plan and control of construction noise and dust.
39. **Highland Council Roads (TEC Services)** do not object but recommend a number of conditions related to the provision of appropriate visibility splays, access road construction specifications and public road condition surveys.
40. **Highland Council Archaeology (TEC Services)** returned no comment.

41. **Boat of Garten and Vicinity Community Council** has general support for the proposal, but wished access to the track from Drumullie to the Boat of Garten Bridge to be maintained.
42. **The Spey Fishery Board** has no objection to the proposal, concluding that they would have no impact on fishery interests.
43. The **CNPA's Visitor Services and Recreation Group** has no objection to the application, but asks for an access point for canoeists to be maintained.
44. The **CNPA's Landscape Advisor** has no objection considering that the development, through sensitive, high quality design and workmanship could eventually complement the local landscape character. A number of conditions are suggested for appropriate tree felling methods, replacement planting and landscaping and the submission of construction method statements setting out practices and protection measures.
45. The **CNPA's Ecologist** recommends a number of conditions including that a mammal survey and a vegetation survey should be undertaken of the area prior to construction. More environmentally sensitive bank stabilisation techniques should be investigated in place of the gabions.

REPRESENTATIONS

46. The application was advertised in the Badenoch and Strathspey Herald on 17 February 2010. No representations have been received.

APPRAISAL

47. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

48. In terms of the principle of the development, there is general support in the planning policy contained within the Development Plan to improve the effectiveness and efficiency of infrastructure in the area within policy U3 of the Highland Structure Plan. The development of the new WwTW represents a significant project to upgrade the public sewerage system for Boat of Garten improving foul water quality which is discharged into the River Spey. The proposed works would upgrade and replace the existing infrastructure which is located partly within the application site. The proposals are considered more environmentally sound and the best practicable option in delivering improvements to the wastewater treatment system serving Boat of Garten. Options for a new site have been assessed but none found more suitable than this site on the river bank adjacent to the existing WwTW. This replacement facility would alleviate existing capacity problems associated with the existing works, and would also be of assistance

in facilitating any planned growth of the settlement. However, as previously mentioned, the development of the WwTW is required irrespective of any housing in Boat of Garten being permitted or otherwise.

Natural Heritage, Landscape Impacts and Design Issues

49. The proposed WwTW would be located immediately adjacent to the River Spey, which is designated as an SAC and a SSSI, the impacts on this and to what extent these impacts, if any, may have on the qualifying species; including Otter, Atlantic Salmon, Freshwater pearl mussels and Sea Lamprey, are a significant factor in the determination of this application.
50. SNH conclude that water quality discharged to the River Spey should be of a higher quality and there would be less likelihood of pollution affecting the river, therefore the proposal would be a significant benefit to the SAC, SSSI and on European Protected Species. Therefore the proposal complies with the requirements of policy 1 Natura 2000 sites.
51. In terms of landscape and design issues, it is always going to be difficult for a development of this nature to enhance the landscape character of the National Park, especially at this site which constitutes a very attractive entry into Boat of Garten, however over time, and through the quality of the construction and attention to landscaping detail, it is considered that the proposed development could complement the character of the area as required by policy 6 Landscape.
52. It is recognised that a substantial number of trees will be removed to allow construction to take place, in addition cutting into the slope will destabilise tree root systems, and may result in the loss of more trees. The proposed concrete walls, and gabion baskets around the Control building, which is little more than 10m from the public road will be visible from the access paths. However proposals to grow ivy on the walls is an acceptable approach to reducing the blank extent of concrete, and reducing the overall landscape impact. With careful placement of trees and shrubs elsewhere on the site, and immediately above and below the retaining walls, it would be possible, over time, to achieve a partial screening effect that would deflect the view of passing public. It is recommended that planning conditions require detailed information to be submitted in a comprehensive landscape plan in which the precise positions of tree and shrub planting designed to reduce landscape and visual impacts are indicated. A detailed method statement is also required giving precise details of tree removal, tree protection measures, and the nature and timing of excavations, remodelling and stabilising of the whole site.
53. The precise siting and design of the various structures and items of infrastructure (including the turning circle), are largely fixed by the technical requirements of Scottish Waters operating procedures and SEPA's flooding concerns. That means that to secure a quality development it is required to be done through sensitive and sympathetic construction process and operation phases. Further conditions are therefore recommended that require the entrance to the site, and the boundaries to be carefully designed to respect and care for the landscape context and local amenity including the

views of Boat of Garten from the B970 on the east side of the Spey, augmenting the woodland fringe between the river and the village. It is also suggested that a revised design for the GRP control building be conditioned to bring about an improved design, more sympathetic to its prominent position.

Technical Issues

54. A Hydrology and Flooding Report was submitted as part of the application, further information and discussions between the applicant and SEPA have addressed any concerns over the placing of essential infrastructure on a functional river bank and compensating for the loss of flood storage capacity. The proposals have demonstrated sufficient resilience to ensure flood events should not affect the operation of the site. Lastly, in terms of residential amenity a number of conditions are suggested that minimise noise and disruption during construction works and require that an Odour Management Plan should be submitted and approved.

Conclusion

55. In conclusion, the upgrading of the Boat of Garten WwTW is necessary in order to meet legislative requirements by providing appropriate treatment and addressing an existing shortfall in capacity for the village (while allowing for future growth). The existing works are several decades old, are overloaded and incapable of accepting additional flows, while high levels of stormwater can cause the tanks to overflow and pollute the River Spey. The replacement WwTW would provide benefit to the water quality of the River Spey and to the residents of Boat of Garten by alleviating capacity problems associated with the existing works, and would also be of assistance in facilitating any planned growth of the settlement.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

56. The development is not considered to have adverse implications for this aim, as the proposals and conditions include mitigation measures that would minimise landscape impact and improve water quality and the ecological status of the River Spey, thereby assisting in conserving and enhancing the natural and cultural heritage of the area.

Promote Sustainable Use of Natural Resources

57. The development will assist in providing improved water quality for the River Spey, discharging cleaner water back into the river.

Promote Understanding and Enjoyment

58. The development would retain a section of path which is used by the community and for water users on this stretch of the River Spey.

Promote Sustainable Economic and Social Development

59. The development would improve the sewage infrastructure in Boat of Garten. In this respect, it would increase foulwater drainage capacity for the village and assist in facilitating growth of the settlement.

RECOMMENDATION

60. **That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for the construction of a new Wastewater Treatment Works and ancillary development at land 50m south east of Tomboyach House, Nethybridge Road, Boat of Garten subject to the following conditions:**

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc (Scotland) Act 2006.

2. No development shall commence until such time as the compensatory floor storage scheme (as per Drawing No.500XXXXXX-WW-DRA-04002220-02) has been implemented to the satisfaction of the Cairngorms National Park Authority (CNPA) in consultation with SEPA.

Reason: To ensure adequate flood storage capacity within the functional flood plain and to reduce the risk of flooding.

3. No development shall commence until an Odour Management Plan has been submitted to and agreed by the CNPA acting as Planning Authority, in conjunction with Highland Council Environmental Health. Thereafter the odour control measures set out in the Odour Management Plan shall be implemented prior to the WwTW becoming operational and adhered to at all times thereafter.

Reason: In the interest of residential amenity; to ensure the emissions of odours is controlled.

4. During construction activities on site all machinery and plant should be used in accordance with BS5228, Noise Control and Construction and Open Site and Control of Pollution Act 1974. The hours of operation should be restricted on site between Monday – Friday between 0700hrs and 2000hrs and on Saturdays between 0800hrs and 1300hrs only. Any work requiring to be carried out outwith these times shall only commence with prior written approval of the CNPA acting as Planning Authority.

Reason: In the interests of safeguarding the amenity of adjoining and nearby residents.

5. Prior to the commencement of development, a revised landscaping plan shall be submitted to and agreed by the CNPA acting as Planning Authority specifying the quantity, position, size, species and protection measures (tree shelters, stakes and ties) of all trees / shrubs to be planted. The landscaping plan shall also include the following :
- (a) proposals for shrub and tree planting (using native species hedges and small trees) in order to reduce the visual impact of the development along the access frontage of the site, the southern and all other boundaries;
 - (b) proposals for the provision of native climbers, to be established on the concrete walls, any gabion baskets and any other retaining walls;
 - (c) proposals for concentrations of trees and shrubs throughout the site, particularly immediately below and above the retaining walls;
 - (d) proposals for the planting of shrubs and trees on land around the proposed site entrance, in the vicinity of the gates,

A maintenance programme shall also be submitted in conjunction with the landscaping plan. The landscaping shall be carried out in accordance with the agreed plan and shall be completed within one year of the commencement of works. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

6. Prior to the commencement of any development, a detailed method statement shall be submitted to and agreed by the CNPA giving details of tree removal, tree protection, and the nature and timing of excavations, remodelling and stabilising and landscaping of the whole site. Thereafter no development shall commence on this site until trees marked for retention on the approved plans, have been protected around the extremities of the crowns of these trees to the satisfaction of the CNPA acting as Planning Authority, and in accordance with BS5837:2005, Trees in Relation to Construction.

Reason: To ensure the implementation of a satisfactory scheme of tree works and tree protection which will in due course improve the environmental quality of the development.

7. Prior to commencement of development, and notwithstanding any submitted drawings further details and sections of the secondary treatment area shall be submitted to and agreed by the CNPA acting as Planning Authority. Where feasible, the slopes should be shaped to merge with the existing undisturbed landforms and revegetated with grass, native shrubs and trees.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

8. Prior to commencement of development, and notwithstanding any submitted drawings, further details of construction practices should be submitted to and agreed by the CNPA acting as Planning Authority demonstrating a commitment to sensitive landscaping detail, high quality finishes and ongoing maintenance. In addition, further details of the site entrance and an enhanced control building design should be submitted, providing an attractive, high quality feature. In addition more environmentally sensitive bank stabilisation techniques should be investigated in place of the gabions.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development.

9. Prior to commencement of development, the developer shall undertake a photographic and condition survey of the public road fronting the site, on completion a further survey should be carried out and both submitted to and agreed by the CNPA acting as Planning Authority in consultation with Highland Council Road's Authority. Thereafter any damage attributable to the construction works should be made good by the developer to the satisfaction of the CNPA acting as Planning Authority in consultation with Highland Council Road's Authority

Reason: To ensure the existing road is not adversely affected.

10. Visibility of splays of not less than 90 metres west x 120metres east shall be provided in each direction at the junction of the new access with the existing road prior to the commencement of the development and thereafter maintained free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

11. Prior to the commencement of development, the geometry of the access road at its junction with the public road shall be such that vehicles will be able to enter and leave the site in forward gear. Construction for the first 10 m from the nearside edge of the public road shall consist of a minimum of 40mm thick close graded wearing course on 60mm dense basecourse on 70mm dense roadbase on a minimum thickness of 300mm type 1 subbase all on a sound formation. Any gates that are provided should be set back from the edge of the public road and shall open inwards only. Sufficient temporary and permanent parking and manoeuvring space shall be provided on site during both construction and operational phases. No water shall discharge onto the public road.

These measures should be carried out to the satisfaction of the CNPA acting as Planning Authority.

Reason: To ensure that all works undertaken meets the requirements of the Road's Authority and to control parking on the public roads close to the site.

12. Prior to the commencement of development a construction method statement and detailed proposals for the siting of any temporary construction compound, soils storage which prevents washout into the River Spey and detailed management of runoff from construction measures shall be submitted to and agreed by the CNPA acting as Planning Authority. Any construction and operation of the site shall adhere to SEPA's pollution prevention guidelines PPG's 05-06 and to take place in accordance with approved measures.

Reason: This is to maintain the visual quality of the area and in order to prevent potential water pollution.

13. Any excavations shall be covered at night or fenced to exclude otters. If any change in the way otters use the site is observed suitable mitigation measures shall be identified and implemented, to the satisfaction of the CNPA as Planning Authority. During any night time working no floodlighting of the River Spey should be undertaken.

Reason: In order to protect otter populations.

14. Prior to the WwTW coming into use, the control building, SAF units and any other above ground structure shall be finished in a colour to reduce the visual impact all to be submitted to and agreed beforehand with the CNPA acting as Planning Authority.

Reason: In order to maintain the visual quality of the area.

15. The section of the footpath from Drumullie to Boat of Garten Bridge shall be safeguarded to ensure that the route remains accessible following completion of construction and thereafter remain in place and open. A convenient access point (such as a 2 way self-closing gate) should be installed and retained in place for canoeists and other water users to access the bank of the River Spey.

Reason: In order to safeguard the existing access path.

16. In the event that the WwTW site is no longer required for the provision of wastewater supply, and within a period of 1 year from the cessation of operations at the site, the ground shall have been reinstated including the removal of underground tanks, associated structures and access track as required, to a condition acceptable to the CNPA acting as Planning Authority and in accordance with a scheme of decommissioning to be submitted to and agreed by the CNPA beforehand.

Reason: In order to ensure the remediation of the site in the event of any decommissioning of the WwTW and in the interests of conserving and enhancing the natural heritage of the area.

17. Prior to the commencement of any development, a mammal survey and a vegetation survey should be undertaken of the area. If any species of conservation concern are noted, guidance should be sought from the CNPA.

Reason: In order to protect the natural heritage of the area.

Advice Notes:

- (a) In the event that evidence of breeding by otters is found near the boreholes site, a licence is likely to be required, under the terms of The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007. SNH would recommend that no night working or lighting of the work area at night should take place.
- (b) The proposed WwTW will require to be licensed under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).
- (c) Any works affecting the public road or within 2m of the edge of the public road, require a road opening permit should be obtained from the Road's Authority.
- (d) Prior to construction, which would block access to the river bank for canoeists and other water users, sufficient notice is given warning of the temporary closure.

Robert Grant

planning@cairngorms.co.uk

24 January 2011

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.