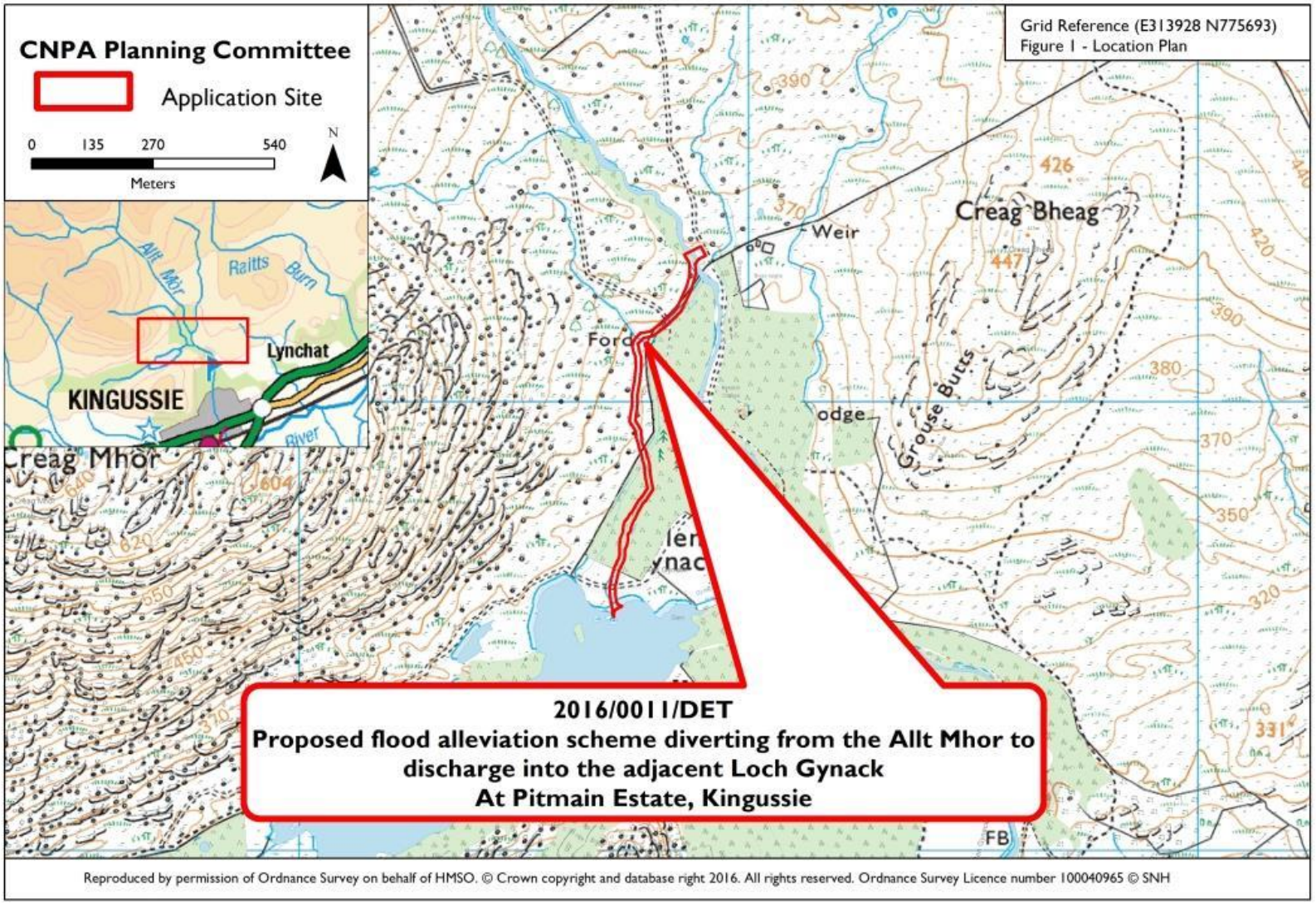
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:	
Proposed Flood Alleviation Scheme diverting from the Allt Mhor to discharge into the adjacent Loch Gynack.	
REFERENCE:	2016/0011/DET
APPLICANT:	Pitmain Estate
DATE CALLED-IN:	18 January 2016
RECOMMENDATION:	APPROVE WITH CONDITIONS
CASE OFFICER:	Matthew Taylor, Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The proposed development is located approximately 2 miles north of Kingussie, with the channel route being partly adjacent to a woodland plantation beside Pitmain Lodge. The site can be accessed via the Ardbroilach Rd from the A86 Newtonmore Rd, along by the Golf Course and into the Pitmain Estate.

2. The proposed channel would link the Allt Mhor watercourse to Loch Gynack running for the most part west of a small woodland plantation before moving through the plantation and breaking out over open ground and along the course of a historic channel into the Loch. The channel would be approximately 1.2km in length.

3. This relationship is shown on the location plan which was submitted as part of the planning application documents within **Appendix 1**.

4. The wider land use of the area is for grouse moorland to the north, and plantation woodlands to the south and east, with the golf course and residential property from Kingussie further along the river corridor. An aerial photograph is attached and contained in **Appendix 1** and shows the wider land cover in the area and approximate route of the proposed channel.

Proposal

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

http://www.eplanningcnpa.co.uk/online-applications/#searchApplications

Title	Drawing Number	Date on Plan	Date Received
Location Plan	2183/9A	Nov 2015	18/01/2016
Scheme Plan	2183/1	May 2015	18/01/2016
Gynack Flood Diversion Structure	2183/6A	Nov 2015	18/01/2016
Gynack Flood Diversion Channel	2183/7	Sep 2015	18/01/2016
Box Culvert	2183/8	May 2015	18/01/2016
Flood Relief Channel Long Sections	2183/5	May 2015	18/01/2016
Culvert 2 Site	2183/4	May 2015	18/01/2016
Culvert 1 Site	2183/3	May 2015	18/01/2016
Flood Diversion Site	2183/2A	Nov 2015	18/01/2016
Phase 1 Habitat Survey Map	Figure A	July 2015	18/01/2016

Proposals for Flood Alleviation on the Gynack Burn Kingussie	Report	Nov 2015	18/01/2016
Protected Mammal Survey	Report	July 2015	18/01/2016
Construction and Environmental Management Document	Report	Dec 2015	18/01/2016
Habitat Survey	Report	July 2015	18/01/2016
Species Protection Plan for Otters	Report	April 2016	15/04/2016
Species Protection Plan for Sand Martins	Report	April 2016	15/04/2016
Construction and Environmental Management Document V3	Report	April 2016	15/04/2016
Cross Sections in Rock Cut and Upper Earth Areas	2183/14	April 2016	15/04/2016
Cross Sections in Rock Cut	2183/13	April 2016	15/04/2016
Survey Plan	2183/12	April 2016	15/04/2016
Diversion Weir Sections	2183/11	March 2016	15/04/2016
Flood Diversion Structure Downstream Elevation	2183/10	March 2016	15/04/2016
Location Plan	2183/9B	March 2016	15/04/2016
Gynack Flood Diversion Channel	2183/7A	April 2016	15/04/2016
Gynack Flood Diversion Structure	2183/6C	April 2016	15/04/2016
Flood Diversion Site	2183/2B	April 2016	15/04/2016
Long Section	2183/5A	April 2016	15/04/2016

6. This application seeks full planning permission to divert extreme water flows from the Allt Mhor watercourse along an open channel approximately 1.2km in length, with discharge into the adjacent Loch Gynack.

7. The project includes the following components:
   a) Construction of a concrete diversion structure on the Allt Mhor watercourse.
   b) Construction of an open channel approximately 1.2km long laid to falls to suit existing ground levels and discharging to Loch Gynack.

Channel nominally 6 metre wide with width varying to suit natural surroundings.

c) Maintenance of existing track access over the channel at two locations using 1.5m x 5.0m precast concrete culvert sections.

History

8. The planning application is for a 'flood alleviation' development in response to severe flooding of the Gynack Burn in Kingussie (which the Allt Mhor is a tributary of) on 11th August 2014. The flood event led to bridge damage and overtopping, flooding of the railway line, and flooding of the high school and Public Park. There is also reference to similar flooding having occurred in recent years on several occasions, notably in 1989, 1990, and 2006.

9. The proposal forms part of a number of ongoing developments on the Pitmain Estate. Three other developments commenced construction in mid-2014 and were completed in 2015. They were:
   a) Allt Mhor High Head Hydropower Scheme (600kW).
   b) Gynack Dam Reconstruction.
   c) Loch Gynack Medium Head Hydropower Scheme (50kW).

10. There is evidence of an earlier scheme, now derelict, which diverted water from the Allt Mhor into Loch Gynack through a sluiced inlet and open channel. The remains of the head works and the open channel are still in evidence. It is inferred from the modest dimensions that the earlier scheme was to augment power generation and not to alleviate downstream flooding in Kingussie.

11. The Flood Risk Management Strategy for Findhorn, Nairn and Speyside (published 14th December 2015) identifies a number of options will need to be investigated to manage flood risk in Kingussie. The options include the proposal for upstream diversion to, and storage in, Loch Gynack.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2012 - 2017	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	X
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

12. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDP15.pdf

Planning Guidance

13. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	X
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

14. A summary of the main issues raised by consultees now follows:

15. **Scottish Natural Heritage (SNH)** The proposal affects the Allt Mhor and the River Gynack, and is located outside the River Spey SAC. However, any plan or project which could have an effect on the SAC must be considered in terms of impact on the features of the site, even if the proposed work is located outside the designated site.

16. CNPA are required to undertake a Habitat Regulations Appraisal (HRA) in order to consider the effect of the proposal on the SAC. Notwithstanding this, SNH advises that, based on their own appraisal, the proposal will not adversely affect the integrity of the River Spey SAC. Details of this are included in their response.

17. **Scottish Environment Protection Agency (SEPA)** support any measure which can reduce flood risk and from the information available it appears that the proposed diversion is likely to provide some benefit to Kingussie without having any detrimental effects. Therefore SEPA has no objection to this planning application on flood risk grounds.

18. There is a current CAR licence application for most of the works. However, the technical report has not addressed all the concerns of SEPA and the diversion structure has not been finalised yet. The applicant is advised to contact SEPA to discuss the CAR licensing.

19. Notwithstanding the above, SEPA require a planning condition to be applied otherwise their response should be considered an objection. They require a Construction Environmental Management Plan (CEMP) to be submitted and agreed with the planning authority in consultation with SEPA prior to the commencement of development and implemented in full.

20. **The Highland Council (Flood Risk Management Team)** has been consulted in relation to their interest. They state that the Flood Risk Management Strategy for Findhorn, Nairn and Speyside (published 14th December 2015) identifies that a number of options will need to be investigated to manage flood risk in Kingussie.

21. The Highland Council are working in close partnership with the Pitmain Estate on the project. The diversion of flood flows from the Allt Mhor to Loch Gynack, as outlined in the planning application, have been hydraulically modelled to assess the benefit in terms of the reduction of flows through the village.

22. The proposed flood alleviation scheme is a key part of the flood risk management strategy for Kingussie. Studies commissioned by The Highland Council show that the diversion channel will result in a significant reduction in

flood risk in Kingussie. Therefore, The Highland Council Flood Risk Management Team has no objection to this planning application.

23. **The Highland Council (Access Officer)** considers that the proposal will have an impact on a right of way (HB41 Kingussie to Coignafearn) and that there is not enough information in the CEMP to demonstrate that access along the right of way will be appropriately managed before, during and after construction. A condition is recommended to provide a detailed outdoor access statement for agreement.

24. **Spey Fishery Board** has stated that the proposed scheme falls outwith the River Spey SAC and is not accessible to Salmon as there is a natural barrier downstream.

25. There is a large movement of sediment downstream in each event resulting in dredging of the river through Kingussie and this does have a detrimental impact on the fish population. There could be opportunities to address this through partnership working and mitigation to develop Natural Flood Management opportunities for multiple gains.

26. **CNPA Landscape Adviser** when consulted on the original submission considered that the channel risks having a significant impact on the landscape character and special landscape qualities of an area that is well used by the public. Further detailed plans, topographical survey, mitigation and planting detail, and a site specific Construction Method Statement (CMS) is required to properly consider the proposal.

27. Further information was received following request by CNPA and was reviewed by the landscape adviser. It is considered that the intake structures and flood relief channel will have significant local landscape and visual impacts. These impacts can be reduced with careful siting, restoration and reinstatement and mitigation planting. Rapid reinstatement is essential to minimise landscape and visual impacts and achieve the stability that will prevent yet more material to move downstream. More information is required to ensure that the development will complement the landscape character and special qualities of this part of the Park.

28. In summary the development would have a significant local landscape and visual impact, but has the potential to be addressed by appropriate construction and mitigation measures. Details of the further information requirements are provided and should be conditioned to any consent.

29. **CNPA Ecology Adviser** when consulted on the original submission considered that more detail was required, this included detail of otter mitigation, with details of proposals for enhanced habitat; more detail of cross sections and levels to consider opportunity for habitat creation; details of wetland creation at the mouth of the channel as it enters loch Gynack; and the provisions for sand martins using the local bank.

30. A further submission was received, with the species protection plans for otter and sand martin being comprehensive. However, more detail is required on enhancement measures including wetland creation and woodland replacement; a sediment management plan is required; and information on the proposed channel hydrological regime should be provided. An Ecological Clerk of Works (ECoW) and Landscape Clerk of Works (LCoW) are required to undertake pre-construction surveys for protected mammals and breeding birds and to be present on site during the construction to provide detailed on site advice for channel construction.

31. **CNPA Outdoor Access Officer** concurs with the view of The Highland Council Access Officer. Additionally and to allow for statutory access along the track subject to culvert No. 2 an outdoor access statement should be provided by the applicant.

32. **Kingussie and Vicinity Community Council** is fully supportive of this application, which they believe will provide significant alleviation of flooding in the town. The CC were reassured to note that the proposals for channel maintenance are included in the technical report, as they realise that this is of vital importance if the alleviation works are to work effectively.

33. The CC notes that construction operations are to take place between 7am and 7pm. Whilst accepting that the area of works will be well away from any habitation, they do have concerns with regards to possible disturbance to the residents of Ardbroilach Road. The CC asks that a condition is attached restricting the hours during which deliveries and heavy construction traffic is permitted to use the Road.

34. The CC also considers that any benefit to energy generation from the community hydro scheme would likely be minimal. Their full response is attached as **Appendix 2**.

REPRESENTATIONS

35. The application was advertised and no comments have been received.

APPRAISAL

Principle

36. The planning system, as referred to in Scottish Planning Policy, is designed to promote flood reduction and, where appropriate, undertaking natural and structural flood management measures. This includes enhancing flood storage capacity. In light of this and subject to acceptable design and impact avoidance to accord with all planning policies relating to the environment and amenity, the development proposal is acceptable in principle.

Landscape and Visual Impacts

37. The proposal is located within the South Monadhliath landscape character area. The intakes are close to and overlooked from an access track onto the hill, with the channel works very close to an access track which is part of a popular recreational route. Parts of the development, namely the breakout area into the loch, will be overlooked from Creag Beag to the south, which is a popular local destination from Kingussie.

38. The view from the track leading to Creag Beag is shown on the document containing photographs attached as **Appendix 3.** The development will also be seen from the route around Loch Gynack which is part of the core path network. It is therefore important that the development is designed in a manner that reduces its visual impact.

39. The intakes and wing walls combined will constitute a substantial concrete structure spanning 40m across the Gynack river corridor as shown by the visualisation attached within **Appendix 3** and the Diversion Structure Plan attached within **Appendix 1.** The river is fairly deeply incised at this point as it cuts through fluvial glacial deposits. There is evidence of undercutting and subsidence on the east bank and much evidence of boulder mobility/shifting along the main channel.

40. A sensitive fit between the concrete intakes, wing walls and the river banks will be critical to reducing impact. This will be achieved by the correct scale and placement of retaining boulders, the filling of interstices with material which will not be washed away and the building up and re-vegetation of the land form. Stability will be crucial for vegetation re-establishment and retention. Tree planting on both sides of the river and extending upstream and downstream from the intakes will assist in mitigating adverse landscape impacts and will require further detailing to secure.

41. The proposed relief channel is 1.2km long and averages 6m wide as shown in the visualisation attached as part of **Appendix 3**. It runs from the intake alongside an access track spur, crosses under the access track and then between the access track and conifer plantation before cutting through the plantation and across the open ground to the loch. From the intake to the plantation the ground is largely free draining with the channel negotiating a glacial fluvial mound, large rocks and tussock heather. In places there are wet hollows and flushes which flow in times of heavy rainfall and snow melt. The ground conditions are highly variable along this section. Within the plantation the landform and vegetation are heavily modified and there is an existing watercourse following the line of a previous channel. The outflow will be channelled through a series of 'natural' spreads into the loch but which are not fully detailed in the submission.

42. The channel will be formed by excavation with surface vegetation being set aside for reuse and materials arising (gravel, stones, cobbles and boulders) being used to augment the bankings. Steps will be created within the channel to suit existing ground profiles, and would be created with geotextile and boulder? lining.

43. A sensitive fit between the channel and the local topography and vegetation will be critical to reducing impact. This will be achieved by fine-tuning the drawn sections on site to suit slopes, substrate and vegetation. A variable and naturalistic profile is required to reduce landscape impacts. The approach to these works should be steered and supervised by a landscape clerk of works and ecological clerk of works as its success will be dependent on the response to emerging conditions as the development proceeds.

44. As stated by the CNPA landscape advisor in respect of the landscape and visual impacts, building the intake structures and opening up a flood relief channel will have significant local landscape and visual impacts. These impacts can be reduced with careful siting, restoration and reinstatement and mitigation planting. Rapid reinstatement is essential to minimise the landscape and visual impacts and achieve the stability that will prevent yet more material moving downstream.

45. In respect of design detail, and whilst not specifically in relation to landscape and visual impacts, SEPA also require further information as part of a revised Construction Environmental Management Plan (CEMP) for agreement prior to construction. This will include details of the construction of the outfall, management of surface water etc. and will also impact upon the final design and finish of the development. Whilst a revised CEMP is received by CNPA the requirement for SEPA approval should be conditioned to any consent and would allow for further design improvements to be made prior to construction and taking account of the required design mitigation measures to reduce the visual impact and provide for habitat improvement (to be discussed in later sections).

46. The principle of the development is acceptable and subject to planning conditions requiring further landscape and design detail and the provision of Clerk of Works to monitor and respond to the site conditions during construction, the development is capable of according with Policy 5: Landscape, and the relevant provisions of Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan (2015).

Other Environmental Impacts

47. The creation of the channel will divert flow from the Allt Mhor into Loch Gynach, the channel route passes through a mixture of heath, wetland and woodland habitats which are currently used by otter, squirrel and sand martin. Comprehensive species protection plans have been produced for otter and sand martin as required by Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan (2015). The creation of the channel offers the opportunity to provide wetland habitat for otter and other wetland

species including water vole and invertebrates. However further consideration of the options to provide for habitat enhancements would be appropriate for conditioning as part of any consent in order to allow for more detail to be provided.

48. The Allt Mhor is a high energy fluvial environment. At the time of the site inspection there was evidence of a significant amount of material being washed and deposited down the channel including some substantial boulders. Further detail for the long term material management of the channel is required, particularly in the location of the intake structure, with designed provision within the channel and channel bank for material removal allowing for easier management and less disruption to channel habitat.

49. Given the need to respond to variable ground conditions as they are identified during the excavation, an environmental and landscape clerk of works should be present on site during construction to ensure that all opportunities are taken to provide the best outcome in terms of habitat creation and landscape mitigation.

50. The Allt Mhor is a tributary of the River Gynack which in its lower reaches forms part of the River Spey SAC. Otter are active throughout the area, and CNPA are required to complete a Habitat Regulations Assessment as noted in earlier in the consultations section. This has been completed and is attached as **Appendix 4**. The assessment was based upon the best available scientific evidence and advice offered from SNH and others, and has shown that there is not a likely significant effect from the proposed development upon the qualifying features or the conservation objectives for the River Spey SAC. It is therefore concluded that the proposed development will not adversely affect the integrity of the River Spey SAC.

51. In terms of the concerns raised by the Community Council about construction traffic and residential amenity, it is noted that the Construction and Environmental Management Document makes reference to access via the Ardbroilach Road, but does not suggest a restriction on transport/delivery times. It is therefore considered appropriate to attach a planning condition requiring the submission of a Construction Traffic Management Plan for the agreement of the CNPA prior to commencement. This is to reduce the disturbance to residential amenity from construction vehicles and to comply with the relevant provisions of Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan (2015)

52. All other environmental matters such as waste minimisation, storage and handling of materials, handling of fuel/oil, and provision of working compounds etc. are to be controlled by a revised CEMP with the agreement of SEPA and CNPA. This may be controlled by planning condition.

Flood Alleviation Benefits

53. Kingussie is frequently flooded from the Gynack Burn, of which the Allt Mhor is the major tributary. The proposed scheme will reduce the likelihood of

flooding in the village and help to lessen the impact of flooding should it occur. This is considered to be to the benefit of homes, businesses, community facilities and transport infrastructure that are directly impacted by the floods.

54. The findings of a study commissioned by the Highland Council (Kingussie Flood Study Update, AECOM, 24/06/15) indicate that the diversion channel would reduce the risk of overtopping at the railway bridge in the village from 10% AEP (Annual Exceedance Probability) to 4% AEP. At other locations, such as the Spey Street Bridge and the School Access Bridge, the reduction is from 4% AEP to 1.33% AEP. Therefore the reduction in flow through the village is in the range of 32-46% for different damaging return period flood events.

55. In light of the above the proposal is consistent with the provision and intent of Scottish Planning Policy (SPP) as contributing to flood reduction through structural flood management measures.

Renewable Energy Benefits

56. Whilst the proposals primary benefit is as flood alleviation to Kingussie, there are considered to be secondary benefits in the form of hydropower energy generation. This is derived from flood peaks being attenuated through Loch Gynack, thereby extending the length of time over which full generation is possible at the downstream hydro power plants.

57. The anticipated hydropower generation benefits would be gained with no detrimental impact upon the water environment, the recreational use of the water environment or peat and soil along the length of the scheme. Therefore and whilst the power generation benefits are estimated values, the proposal accords with the provisions and intent of Policy 7: Renewable Energy of the Cairngorms National Park Local Development Plan (2015)

Public Access

58. As previously stated the development site is located in the area of well walked footpath routes, and is partially visible from wider walking routes and core paths. Whilst it is anticipated that the proposed works would not lead to the long term closure or significant diversion of the existing access networks, it is prudent to condition the requirement for further detail to be provided in the form of an Outdoor Access Statement. The statement should:
    a) illustrate with a map the line of the public right of way and locate any signposts relating to it and public access along it with photographs of those signs;
    b) illustrate with a map, diagrams and text the line, signposting and duration of any proposed diversion; and
    c) illustrate with a map, diagrams and text the line of the public right of way and how and where it will be signposted on completion.

59. Subject to the above requirements the proposal is considered capable of compliance with the relevant provisions of Policy 3: Sustainable Design of the

Cairngorms National Park Local Development Plan (2015) in that outdoor access would be maintained.

CONCLUSION

60. Whilst the development will undoubtedly introduce artificial structures at the channel intake point, with the diversion channel being an engineered solution that will require a careful approach to construction; with further details of construction methods to provide for a naturalistic channel as far as is reasonably practicable, together with additional landscape planting and habitat enhancement required;, the development will fit in with the surrounding area and has the potential to complement the immediate landscape setting and habitat provision. Therefore the development is considered compliant with the relevant provisions of Policies 3, 4, 5 and 10 of the Cairngorms National Park Local Development Plan (2015)

61. The development is welcomed as a positive step towards reducing the flood risk to Kingussie, with a lesser secondary benefit of maintaining flows to a local hydro power scheme and is therefore compliant with the relevant provisions of Policies 3 and 10 of the Cairngorms National Park Local Development Plan (2015)

62. The development site, and land in the ownership or control of the applicant, has sufficient capacity to accommodate the development and associated works. Approval is therefore recommended subject to appropriate planning conditions regarding construction detail, provision for ecological benefit, compensatory landscape planting, and maintenance of public access.

Reason for Approval

63. The development is appropriately located nearby the route of a historic water channel between the Allt Mhor and Loch Gynack. To complement the local landscape whilst mitigating the visual impacts, and provide for a suitable protection of habitat of species of local and national importance, the further detailing of landscaping and habitat provision and close management of the works during construction is to be secured by condition. There are also secondary benefits for electricity generation from hydro power to a local network. Therefore the proposal accords with the relevant provisions and intent of the Cairngorms National Park Local Development Plan (2015) Policies 3, 4, 5, 7 and 10. Furthermore the provision for flood alleviation is consistent with Scottish Planning Policy and there are no other material considerations that would warrant the setting aside of Planning Policy.

RECOMMENDATION

That Members of the Committee support a recommendation to: GRANT FULL PLANNING PERMISSION for the Flood Alleviation Scheme diverting from the Allt Mhor to discharge into the adjacent Loch Gynack subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

1. No development shall commence on site until a revised Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA and must contain the following information:
   a) precise details of the construction of the outfall channels and break out area to the Loch;
   b) details of the substrate of the channel when flat;
   c) details of the management of the surface water around the channel route including provision for over-pumping onto vegetation and settlement ponds;
   d) details of the construction compound and welfare facilities;
   e) details of the provision of concrete and whether there will be a concrete washout pit;
   f) details of improvements to current roads and access including materials to be used;
   g) details of the process for excavation (including machine access and working corridor) and the sorting and storage of materials for re-use;
   h) details of water management for flow off Creag Mhor and its interaction with the diversion channel;
   i) details of measures to stabilise vegetation along the channel banks to ensure this is not washed away in the event of flooding;
   j) details of measures for the long term inspection and maintenance of the intake and channel structure.

   Thereafter the development shall be implemented in accordance with those approved details unless otherwise agreed in writing by the Cairngorms National Park Authority as Planning Authority.

   Reason: To ensure the development complements and enhances the landscape character, safeguards the environment, and protects habitats and species in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

2. No development shall commence on site until a revised Landscaping and Habitat Method Statement and Landscaping Plan, together with a schedule for its delivery, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and must contain the following information:
   a) design measures to provide variations in channel bed, channel width and sinuosity to provide for a more varied habitat;
   b) design measures to provide varied depths and structure at the wetland break out zone to allow macro-invertebrate species and plants to colonise;
   c) details of tree felling;

d) details of Riparian and Wetland Planting location and species at the intake structure and along the length of the diversion channel to aid bank stability and to provide for habitat and landscape screening;
e) a plan for tree planting to compensate for trees felled (or liable to be lost due to flooding across the spreads (to include details of fencing, species, specification etc.) as required under point d above and as compensation for tree loss through the plantation; and
f) a sediment management plan to minimise disruption to the channel habitat and landscape during regular sediment removal at the intake structure and along the length of the channel.

Thereafter the development shall be implemented in accordance with those approved details unless otherwise agreed in writing by the Cairngorms National Park Authority as Planning Authority.

Reason: To ensure the development complements and enhances the landscape character and protects habitats and species in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

3. No development shall commence until an Ecological Clerk of Works (ECOW) and Landscape Clerk of Works (LCOW) has been appointed by the developer who shall thereafter oversee the construction of the intake structures and excavation of the channel works and ensure compliance with the CEMP (to be approved under Condition 1) and Landscape Plan and Habitat Method Statement (to be approved under Condition 2) during the construction phases of the development hereby approved. Prior to appointing the ECOW and LCOW, a 'scope of works' for that person shall be submitted to, and approved in writing by the Cairngorms National Park Authority acting as Planning Authority (CNPA). Thereafter the name and contact details of the appointed person shall be supplied to the CNPA. Following the commencement of work on site monthly reports from the Clerks of Works shall be submitted to the CNPA

Reason: To ensure the development complements and enhances the landscape character, protects habitats and species, and reduces its environmental impact in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

4. No development shall commence until a pre-construction survey for protected mammals and breeding birds is completed by the ECOW, the results of which must be submitted to the Cairngorms National Park Authority. Thereafter the development shall proceed in accordance with the approved Species Protection Plan for Sand Martins (April 2016) and approved Species Protection Plan for Otters (April 2016).

Reason: To ensure the development has no adverse impact on protected species in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

5. Notwithstanding the approved plans and details no development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority.

   The CTMP shall include details of construction traffic movements to and from the site including times of transport along the Ardbroilach Road from the A86 Newtonmore Rd.

   Thereafter the development shall proceed in accordance with the approved detail unless otherwise agreed in writing by the CNPA.

   Reason: To minimise the disruption to local residents from construction traffic in accordance with the relevant provisions of Cairngorms National Park Local Development Plan Policy 3: Sustainable Design.

6. Notwithstanding the approved plans and details no development shall commence until a detailed outdoor access statement is submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority. The statement must refer to all public access routes that would be affected by the proposal and must include:
   a) details of measures to maintain public access during construction and to enhance public access in the long term;
   b) map to illustrate the line of the public rights of way and location of any signposts relating to it and public access along it with photographs of those signs;
   c) illustrate with a map, diagrams and text the route, signposting and duration of any proposed diversion;
   d) illustrate with a map, diagrams and text the route and signposting of public rights of way following completion

   Thereafter the development shall proceed in accordance with the approved detail unless otherwise agreed in writing by the CNPA

   Reason: To ensure the development does not restrict public access in accordance with the relevant provisions of Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Informatives:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of three years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

2. Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the

'Notification of Initiation of Development Notice as appended, pursuant to Section 27A(1) of the Town and Country Planning (Scotland) Act 1997.

3. Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town and Country Planning (Scotland) Act 1997.

4. The developer is required to obtain a CAR license from SEPA. The developer is advised to contact the SEPA local operations team at 28 Perimeter Road, Pinefield, Elgin IV30 6AF. Tel: 01343 547663.