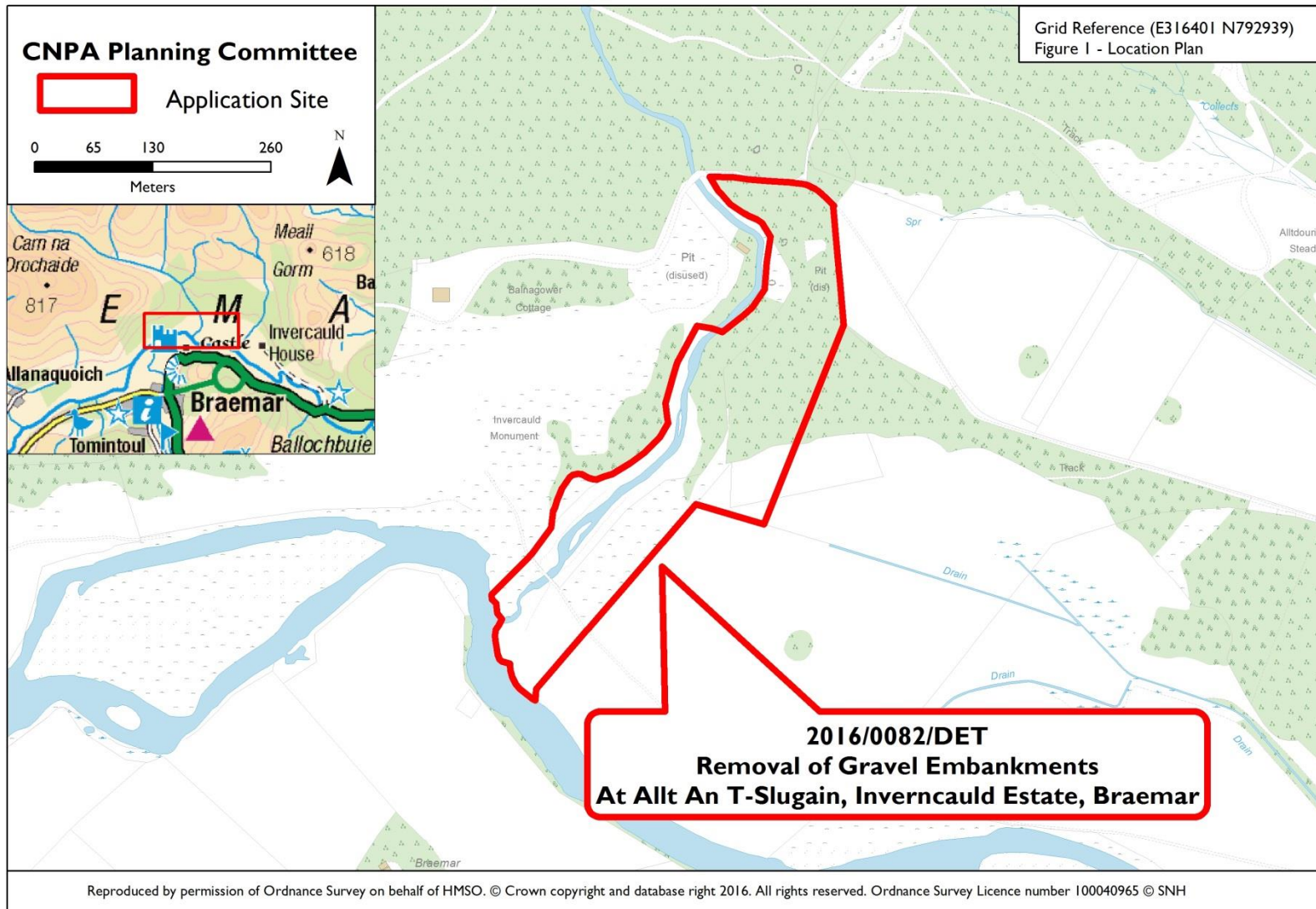

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:	
Removal of Gravel Embankments at Allt an t-Slugain, Invercauld Estate, Braemar	
REFERENCE:	2016/0082/DET
APPLICANT:	Scottish Natural Heritage
DATE CALLED-IN:	5 th April 2016
RECOMMENDATION:	APPROVE WITH CONDITIONS
CASE OFFICER:	David Allan, Planning Technician



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is located at the confluence of the Allt an t-Slugain watercourse with the River Dee at Invercauld Estate, near Braemar. The Allt an t-Slugain is a tributary to the River Dee, which is a Special Area of Conservation (SAC) designated for Salmon, Otter and Freshwater Pearl Mussel, and is currently classed as being in an unfavourable conservation status.
2. The area for works comprises sections of artificial river embankment made up of gravel and stone along the lower reaches of the Allt an t-Slugain and a series of adjacent relict river channels. At the upper reaches of the site, the Allt an t-Slugain is bound to the east by an area of woodland which includes a Plantation on Ancient Woodland site and to the west by steeply sloping grazing land. At the lower reaches, it is bound on both sides by land for agriculture and grazing. A disused quarry pit is also located to the north east corner of the site which has become partially revegetated. The area of land above and adjacent to the quarry pit has been felled and is now rough grassland with tree stumps in situ.
3. Evidence of both Pine Marten and Otter has been recorded during surveys of the site including a number of spraint samples and a non-breeding den. The adjacent woodland also has the potential to support breeding birds and bats.
4. Invercauld Estate is located within the Deeside and Lochnagar National Scenic Area (NSA) and the application site lies within the western boundary of the Invercauld Garden and Designed Landscape. To the south west of the site Braemar Castle is a prominent feature on the far side of the River Dee.
5. Access to the Estate is from the A93 approximately 3 miles east of Braemar and access to the application site is via a network of Estate roads and off-road tracks.

Proposal

6. The drawings and documents associated with this application are listed on the next page 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
Amended Site Location Plan	366708-007 Rev A	13.05.2016	13.05.2016
Construction Phase Method Statement	MPHMS-17	16.02.2016	05.04.2016
Construction Phase Method Statement – Addendum		13.05.2016	13.05.2016
Otter Survey		August 2015	05.04.2016
Pearls in Peril Report		March 2016	05.04.2016
Hydromorphological Report		August 2015	22.04.2016
Ecological Survey Report		May 2016	30.05.2016

7. This application seeks permission to excavate sections of artificial river embankments along approximately 500metres of the lower reaches of Allt an T-Slugain. This is to include the removal of material to reconnect relict river channels.
8. Excavation and removal of the embankments will be by the use of small plant and a dumper truck located on the river bank. Any vegetation on the riverbanks is to be removed prior to excavation and stored appropriately at designated storage sites. The excavated material is to be transferred to an existing quarry pit, located in the north east of the development site boundary, for processing and storage. Once processed the material is to be stored within the quarry pit for reuse on the estate.
9. A temporary haul track is to be created to allow plant access to the watercourse and for removal of the excavated material. This is to include the removal by hand of a small section of stone wall and some stock fencing, all of which is to be reinstated post works. On completion of the embankment works the haul track is to be reinstated to an “as is” condition.

History and Background

10. This proposal is part of a UK wide suite of Pearls in Peril projects, funded in part through the European Commission LIFE Nature programme and by 22 UK organisations. The purpose of the project is to improve river habitats to benefit freshwater pearl mussels and salmonids on which the pearl mussel life cycle depends. The application site is currently in an unfavourable conservation status but is considered to have the potential to become a suitable freshwater pearl mussel and salmonid habitat.
11. The lower reaches of the Allt an t-Slugain have been subject to historic dredging and straightening and the artificial embankments at this site were created in the early 1980s as a means to mitigate localised flooding of agricultural land.

12. In addition to the works proposed in this application, Invercauld Estate have secured Scottish Rural Development Programme Agri-environment Climate Scheme funding to install stock fencing along the northern bank of the Dee at this location and within the Allt an t-Slugain river corridor. After the fencing has been installed, the Woodland Trust has agreed to plant up to 800 native trees of various species including: willows, aspen and alder, birch, rowan and occasional Scots pine.

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	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

13. 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/LDPI5.pdf>

Planning Guidance

14. 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	
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

15. A summary of the main issues raised by consultees now follows:
16. **Historic Environment Scotland** has no comment to make on this application.
17. **SEPA** initially raised objections on the grounds that it was unclear if the applicant had explicit consent for the works from the Landowner at increased risk of flooding, and, as they considered that the introduction of large woody debris to the watercourse may exacerbate the impacts of flooding downstream. Having established that Invercauld Estate, who have ownership of the land at increased risk of flooding, have given consent for the works and are aware of the potential risk, and that no woody debris will be purposefully introduced to Allt an t-Slugain they have no objection.
18. Further information was also requested regarding large boulders in the watercourse. The applicant has responded to clarify that any large boulders to be left in the watercourse are those which are already in situ in the river channel and are not considered to pose any risk in term of flooding.
19. They further advise that the works are required to be undertaken with adherence to their regulatory regime, to include: a CAR licence, waste exemption certificate and mobile plant licence for the processing of excavated material. These requirements are being met by the applicant.
20. **SNH** have advised that as the proposal is ultimately a conservation project an appropriate assessment under Habitats Regulations is not required. They are aware of the potential presence of Pine Marten at this location, and advise that the recorded den is unlikely to be a breeding den due to the volume of spraint present. As the temporary haul track has been re-routed to take account of the den location, and as all works will be at least 35 metres from the den, a species disturbance licence is not required.
21. They further note that the construction methods statement requires further site specific information on prevention of sedimentation to the Allt an t-Slugain and River Dee. A suspensive planning condition has been recommended which will require the submission and approval of a more detailed construction methods statement prior to commencement of development.
22. **Aberdeenshire Council (Floods Team)** advised that they required full details of the flood risk modelling work undertaken and confirmation that the

applicant has explicit consent of the land owner whose land will be at increased risk of flooding. Having established that Invercauld Estate, who have ownership of the land at increased risk of flooding, have given consent for the works and are aware of the potential risk, and having reviewed an additional full hydromorphological report submitted in support of the flood risk assessment, the Team have no objection to the proposal.

23. **CNPA Ecology Adviser** notes that the Allt an t-Slugain is part of the River Dee SAC which is designated for Otter, Salmon and Freshwater Pearl Mussel. Removal of the embankments and reinstatement of relict channels on the Allt an t-Slugain will together with the proposed tree planting result in much improved habitat for designated features; riparian woodland creation; re-connection to the floodplain; and restoration of natural river processes.
24. They further note that an HRA is not required as the works are being undertaken purely for conservation purposes.
25. They recommend that an Ecological Clerk of Works undertakes pre-construction surveys for protected mammals and breeding birds and be present on site during construction.
26. **CNPA Landscape Adviser** notes the Allt an t-Slugain is within the Deeside and Lochnagar NSA and Invercauld Designed Landscape (Inventory). Removal of embankments and reinstatement of relict channels on the Allt an t-Slugain will together with the proposed tree planting result in a more natural appealing landscape over time which will enhance the landscape character of the area and the special landscape qualities of the NSA.
27. They request that the construction corridor be taped off prior to commencement and that an Ecological Clerk of Works be present on site for the duration of the construction and reinstatement of the temporary haul track to manage any location specific requirements which may arise.
28. **Dee and District Salmon Fishery Board** have not submitted any comments on this application. A representative of the River Dee Trust accompanied CNPA officers and the Pearls in Peril project officer during a site visit.
29. **Braemar Community Council** has not submitted any comments on this application.

REPRESENTATIONS

30. There were no public representations for this application.

APPRAISAL

31. The proposal is fundamentally a nature conservation project and as such is supported by both national and local planning policies, and is in accordance with

the aims of the National Park. Similar Pearls in Peril projects have been implemented in the Park on the River Dee at Mar Lodge, White Water at Moulzie and the River South Esk at Acharn.

Natural Heritage

32. This proposal seeks to improve the ecological condition of the Allt an t-Slugain and represents an opportunity to provide improved habitat for all three of the designated features of the River Dee SAC – Otter, Salmon and Freshwater Pearl Mussel. Whilst there is no freshwater pearl mussel population in Allt an t-Slugain at present, there is potential for them to colonise this water course in time and this proposal is viewed as a positive effort towards conserving a Cairngorms Nature Action Plan priority species.
33. There is a risk of sedimentation and pollution to the River Dee whilst the embankments are being excavated which could have an adverse impact on Freshwater Pearl Mussel populations in the River Dee main stem. All works within the watercourse are to be covered by a Controlled Activities Regulations (CAR) licence granted by SEPA and will be supervised by persons with experience of working in watercourses. The submitted Construction Methods Statement details the appropriate mitigation technique to be used.
34. Evidence of protected mammals has been recorded within the application site and this has been a consideration in refining the detail of the project. This has included the re-routing of the temporary haul track and will see key habitat features marked out and avoided. Further pre-construction checks will be carried out and the presence of an Ecological Clerk of Works on site will ensure that if there is any fresh evidence that protected mammals are active on the site, then this will be handled appropriately. As such, planning condition 3 and informative 2 as recommended requires that appropriate checks are undertaken prior to commencement of development on site.
35. The application is therefore considered to comply with Local Development Plan Policy 4: Natural Heritage, which seeks to ensure that the development conserves and enhances the outstanding natural heritage within the National Park.

Sustainable Design

36. Whilst there is a requirement to provide temporary access between the existing Estate road and the river embankments, this will follow a light touch approach where practicable, employing features such as concrete pads, logs and bog mats as site conditions dictate. This reduces the need for a more heavily engineered access solution and will contribute to a more simplified reinstatement process. Planning condition 4 as recommended requires that an Ecological Clerk of Works is present during construction to manage any location specific issues.

37. An Ordinance Survey marked path is located to the south of the site in an area of agricultural land. Discussions on site with the Dee Fisheries Trust Officer indicate that this is not a well-used route and is generally not readily accessible.
38. The application is therefore considered to comply with Local Development Plan Policy 3: Sustainable Design, which seeks to ensure that developments include an appropriate means of access and that opportunities for responsible outdoor access are maintained.

Landscape

39. The extent of the works along the watercourse will result in a more natural landscape appearance as the existing embankments are readily identified as artificial features in this setting.
40. Whilst the creation of a temporary haul track introduces a landscape feature it is considered that contouring of the floodplain and screening provided by the woodland will ensure that this will be a minor intrusion within the landscape setting. It is also acknowledged that this is a short-term project and that the track is to be reinstated within this time frame.
41. The presence of plant operating here will largely be visible in passing to users of the A93 and will not involve a large number of vehicles. Views of the application site from Braemar Castle were limited and demonstrated that it is unlikely to impact upon visitors' appreciation of the landscape in its full context.
42. The application is therefore considered to comply with Local Development Plan Policy 5: Landscape, which states that there will be a presumption against any development that does not conserve and enhance the character and special qualities of the Cairngorms National Park, and that any adverse effects on the setting of the proposed development are minimised and mitigated through appropriate siting, layout, scale, design and construction. Planning conditions 2, 3 and 4 as recommended will require adherence to the approved Construction Methods Statements and the presence of an Ecological Clerk of Works during construction and reinstatement.

Environmental Impacts

43. The removal and targeted breaches of the artificial embankments will allow the Slugain to follow more natural flow patterns, encouraging it to interact more naturally with existing river channels and the adjacent flood plain. Flood risk modelling indicates that as the works are along the lower reaches of Allt an t-Slugain, there is not likely to be any significant increased flow levels into the Dee and therefore no significant impact outwith this location; supporting information provided by the applicant also suggests that the re-engineering of the watercourse may also reduce flow velocities into the Dee.

44. It is acknowledged that targeted breaches of the embankments to encourage reactivation of relict channels is likely to increase potential for overtopping of the Slugain into adjacent grazing land; in the context of the proposal this fits with a desire to see the watercourse interact more naturally with the flood plain allowing it to absorb water during flood events.
45. This application is therefore considered to comply with Local Development Plan Policy 10: Resources, which seeks to ensure that both the ecological status of water bodies and the functionality of flood plains are not adversely affected by development. Planning condition 1 as recommended requires that a site specific construction methods statement to address pollution control to the watercourse be submitted for approval prior to commencement of development.

CONCLUSION

46. This proposal is a conservation project which seeks to both encourage natural river process within the Allt an T-Slugain and to enhance habitat for Freshwater Pearl Mussel and Salmon. It is considered to comply with Local Development Plan policies and is supportive of wider biodiversity objectives. It is recommended that this application be approved subject to planning conditions regarding pollution control, species protection and site reinstatement.

RECOMMENDATION

That Members of the Committee support a recommendation to: approve full planning permission for Removal of Gravel Embankments at Allt an t-Slugain, Invercauld Estate, Braemar 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 site specific construction method statement detailing how sedimentation to the Allt an t-Slugain and River Dee watercourses as a result of the excavation of river embankments will be mitigated is submitted and approved in writing by Cairngorms National Park Authority. Thereafter the development shall be implemented in accordance with those approved details.**

Reason: To ensure that the designated features of the River Dee SAC and the general ecological status of both watercourses are not adversely affected in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

2. The temporary haul track route is required to be taped off prior to construction and thereafter construction and reinstatement shall be

implemented in accordance with the details set out in the Construction Phase Method Statement and Construction Phase Method Statement addendum hereby approved by the Cairngorms National Park Authority.

Reason: To ensure that the area of temporary haul track is returned to an ecological condition of at least equal to pre-construction condition in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

3. An Ecological Clerk of Works is required to be present on site at all times during the construction and reinstatement of the temporary haul track.

Reason: To ensure that no protected species or their resting sites are adversely impacted and to ensure that any location specific construction requirements, including removal of trees, are managed appropriately in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

4. The use of the existing quarry pit for storage of material which has been excavated from the river embankments and processed on site during the period of works is limited to a period of 12 months from the date of commencement of the development hereby approved.

Reason: The temporary use of the quarry pit is considered appropriate to the short-term nature of this proposal. Continued use of the pit would be required to be fully assessed in accordance with Local Development Plan Policies in the context of a separate full planning application.

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. In accordance with the Wildlife and Countryside Act 1981 as modified by the Nature Conservation (Scotland) Act 2004, you are advised that pre-construction checks for pine marten and breeding birds should be carried out.
3. You are advised that all relevant works are required to be carried out in accordance with SEPA's regulatory regime.
4. 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.

5. 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.

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.