



Committee report

Development proposed:

Proposed restoration of March Burn including realignment of river channel, removal of lower section of river embankments, infilling and regrading of river channel and river embankment, installation of large wood green bank protection and large wood structures, the formation of an inset floodplain and wetland scrapes, and associated works.

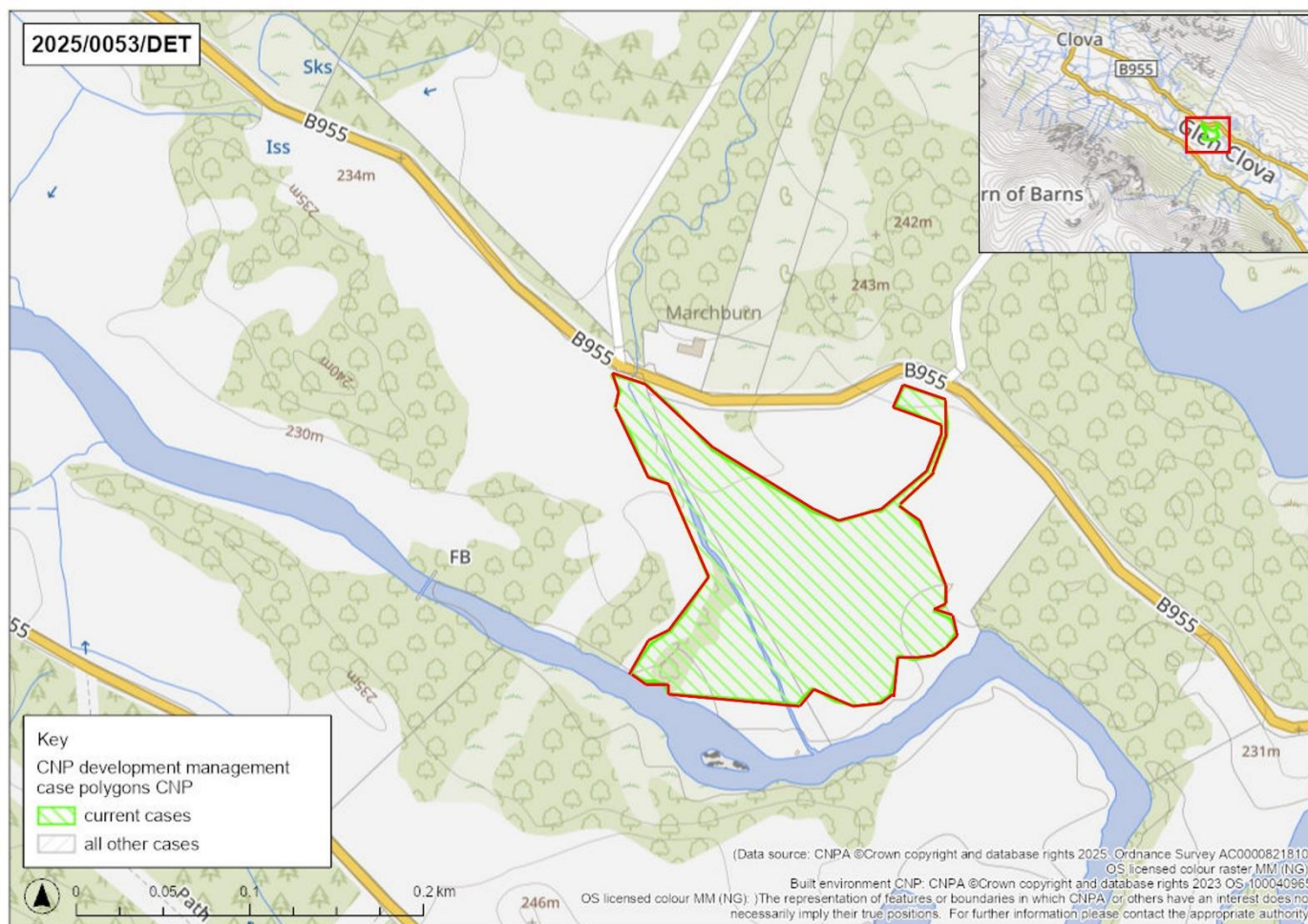
Reference: 2025/0053/DET

Applicant: Angus Council

Date called-in: 17 March 2025

Recommendation: Approve, subject to conditions

Case officer: Colin Bryans, Senior Planning Officer



This map 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.

Site description, proposal and history

Site description

1. The application site consists of a section of the March Burn, a tributary of the South Esk, located with Glen Clova in the Angus Glens. The section of the March Burn in question is located within agricultural fields between the B955 road and the confluence of the March Burn with the South Esk.
2. The March Burn forms part of the River South Esk Special Area of Conservation (SAC), protected for populations of freshwater pearl mussels and Atlantic Salmon.

Proposal

3. 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/applicationDetails.do?activeTab=summary&keyVal=S2H06USI0CP00>

Title	Drawing number	Date on plan*	Date received
Plan – Detailed design existing plan	1	27/01/25	14/03/25
Plan – Detailed design – design plan	2	27/01/25	14/03/25
Plan – Detailed design long profile	3	27/01/25	14/03/25
Plan – Detailed design cross sections 1	4	27/01/25	14/03/25
Plan – Detailed design cross sections 2	5	27/01/25	14/03/25
Plan – Detailed design cut fill analysis	6	27/01/25	14/03/25
Plan – Detailed large wood design	7	27/01/25	14/03/25
Plan – Detailed design scrape sections	8	27/01/25	14/03/25



Plan – Location plan	n/a	24/02/25	14/03/25
----------------------	-----	----------	----------

*Where no specific day of month has been provided on the plan, the system defaults to the first of the month.

4. The March Burn has been straightened historically and embankments created on both sides of the channel. The proposed development aims to reverse the impacts of these historical modifications and includes the following elements:
 - a) Realignment of the channel utilising a relict channel alignment on the river left floodplain.
 - b) Infilling of the existing channel with cut material generated through excavation of the new channel and scrapes.
 - c) Installation of large wood structures to drive future channel change.
 - d) Removal of embankments and reprofiling of retained embankment.
 - e) Seeding of the new channel with appropriately sized boulders to allow step formation.
 - f) Retention of the bed material of the existing channel and reinstatement in the new channel.
 - g) Installation of four buried boulder grade control structures.
 - h) Installation of large wood structure green bank protection to protect banks at risk of erosion and mitigate the risk of avulsion into the old channel course.
 - i) Localised excavation to create floodplain scrapes / wetlands utilising existing topography.

History

5. The application site has no relevant planning history.

Habitats Regulations Appraisal

6. A Habitats Regulations Appraisal (HRA) has been undertaken which is attached as an Appendix. This appraisal considered that there may likely be a significant effect on the River South Esk Special Area of Conservation (SAC), a European site which is designated for Atlantic salmon and freshwater pearl mussel interests. Consequently, an Appropriate Assessment has been undertaken of the implications for the European site in view of the conservation objectives and to ascertain whether the development will affect the integrity of the European site.



7. The proposed works will contribute towards ensuring that the qualifying features of the River South Esk SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.
8. By improving the geomorphic form and function of the March Burn, this will promote diversity and improve habitat availability for both fresh water pearl mussels and Atlantic salmon across the site. Mitigation measures included in the proposal will reduce the construction phase, and post-construction phase risks of disturbance and impacts from sediment mobilisation, construction pollution and the spread of disease to a minimum level. Whilst this site represents only a small part of the River South Esk SAC, this project combined with other restoration projects across the SAC could contribute to both qualifying features achieving favourable conservation status.
9. The proposed mitigation measures (which include timing of the construction work to avoid spawning of Atlantic salmon; the channel realignment being mainly constructed 'off-line' to limit the length of time that existing Atlantic salmon habitats are impacted; the employment of an experienced aquatic Ecological Clerk of Works to check for previously undetected fresh water pearl mussels during construction; implementation of sediment and silt management measures during the construction phase; refilling fuel only in the site compound, spill kits to be readily available and machinery stored with drip trays in place when not in use; and implementation of strict biosecurity measures to prevent the spread of disease or invasive non-native species) if implemented, will reduce the potential effects to a minimal level, so that all conservation objectives can be met for the River South Esk SAC.
10. The recommended planning condition requiring the submission and approval of a Construction Environment Management Plan (CEMP), to include detailed mitigation measures, and the employment of an Ecological Clerk of Works will ensure that all works carried out during construction are in accordance with the approved CEMP, and the required mitigation measures are implemented.
11. NatureScot have been consulted and agree with the HRA findings, concluding that the mitigation measures outlined will ensure there will be no adverse impact on site



integrity of the River South Esk SAC as a result of the works. Once the works have been completed, they will have a positive impact on both qualifying interests of the SAC.

Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045	
	(Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	Tackling the climate and nature crises	X
Policy 2	Climate mitigation and adaptation	X
Policy 3	Biodiversity	X
Policy 4	Natural places	X
Policy 5	Soils	
Policy 6	Forestry, woodland and trees	
Policy 7	Historic assets and places	
Policy 8	Green belts	
Policy 9	Brownfield, vacant and derelict land, and empty buildings	
Policy 11	Energy	
Policy 12	Zero waste	
Policy 13	Sustainable transport	
Policy 14	Design, quality and place	X
Policy 15	Local living and 20 minute neighbourhoods	
Policy 16	Quality homes	
Policy 17	Rural homes	
Policy 18	Infrastructure first	
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	X
Policy 21	Play, recreation and sport	
Policy 22	Flood risk and water management	X
Policy 23	Health and safety	
Policy 24	Digital infrastructure	



Policy 25	Community wealth building	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	
Policy 30	Tourism	
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

Strategic policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	
Policy 2	Supporting economic growth	
Policy 3	Design and placemaking	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	Open space, sport and recreation	
Policy 9	Cultural heritage	
Policy 10	Resources	
Policy 11	Developer obligations	

12. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>



Planning guidance

13. Supplementary guidance also supports 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 (x).

Policy 1	Housing supplementary guidance	
Policy 2	Supporting economic growth non-statutory guidance	
Policy 3	Design and placemaking non-statutory guidance	
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	
Policy 9	Cultural heritage non-statutory guidance	
Policy 10	Resources non-statutory guidance	
Policy 11	Developer obligations supplementary guidance	

Consultations

14. A summary of the main issues raised by consultees now follows:
15. **SEPA** raised no objections to the proposal stating that the proposed development may provide some good flood storage, potentially reducing flood volumes downstream.
16. **Scottish Water** raised no objection to the proposed development.
17. **NatureScot** reviewed the HRA provided and agree with the conclusion of the HRA and the mitigation measures outlined to ensure there will be no adverse impact on site integrity of the River South Esk SAC as a result of the works. NatureScot advise that once the works have been completed, they will have a positive impact on both qualifying interests of the SAC.



18. The **Esk District Salmon Fishery Board** stated their full support for the proposed development noting the likely creation of important spawning habitat for juvenile Atlantic Salmon and the wider likely impacts on Salmon habitat(s).
19. The **Kirriemuir Landward East Community Council** made no comments on the proposal.

Representations

20. No representations were received.

Appraisal

21. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan. This comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). Where there is conflict between policies, NPF4 policies take precedence.

Principle

22. **NPF4 Policy 1: Tackling the climate and nature crises** seeks to ensure that significant weight will be given to the global climate and nature crises when considering all development proposals.
23. **NPF4 Policy 2: Climate mitigation and adaptation** seeks to encourage development that adapts to the current and future impacts of climate change.
24. **NPF4 Policy 3: Biodiversity** states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
25. **NPF4 Policy 4: Natural places** seeks to protect, restore and enhance natural assets making best use of nature-based solutions.



26. **NPF4 Policy 20: Blue and green infrastructure** seeks to protect and enhance blue infrastructure and its networks.
27. The purpose of the proposed development is to reverse the impacts of historical modifications to the burn channel, to reinstate natural fluvial form and process, resulting in a dynamic channel that is better connected to its floodplain and able to adjust in response to contemporary conditions. The proposed modifications will deliver the reinstatement of natural river form and process, increased biodiversity and improved climate change resilience.
28. The principle of the proposed development at the application site is supported and in compliance with NPF4 Policy 1: Tackling the climate and nature crises, NPF4 Policy 2: Climate mitigation and adaptation, NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places, and NPF4 Policy 20: Blue and green infrastructure.

Design and landscape

29. **NPF4 Policy 14: Design, quality and place** seeks to ensure that development proposals improve the quality of the area and are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.
30. **LDP Policy 3: Design and Placemaking** also seeks to ensure that proposals improve the quality of the area and are consistent with the six qualities of successful places. This policy also seeks to protect the amenity enjoyed by neighbours.
31. The proposed development is consistent with the six qualities of successful spaces and will particularly contribute to the “sustainability” quality by ensuring climate resilience, and integrating nature positive, biodiversity solutions. The proposal supports attractive natural spaces and is therefore also consistent with the “pleasant” quality.
32. The proposals are therefore in accordance with NPF4 Policy 14: Design, quality and place and with LDP Policy 3: Design and Placemaking.



Environment and biodiversity

33. **NPF4 Policy 3: Biodiversity** seeks to ensure that development proposals protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals must include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.
34. **NPF4 Policy 4: Natural places** seeks to ensure that development proposals protect, restore and enhance natural assets making best use of nature-based solutions. Development that has significant adverse impacts on designated sites, after mitigation, will not be supported.
35. **LDP Policy 4: Natural heritage** seeks to ensure that there are no adverse effects on biodiversity interests.
36. The March Burn forms part of the River South Esk Special Area of Conservation (SAC), protected for its populations of freshwater pearl mussels and Atlantic salmon. NatureScot advise that once completed, the works will provide benefits and have a positive impact on both features of the River South Esk SAC and the surrounding habitat.
37. The proposed river restoration development will benefit in-channel habitat diversity and channel floodplain connectivity, and as such may contribute to increased distribution and availability of habitats for both freshwater pearl mussels and Atlantic Salmon. The biodiversity benefits of the proposal will apply beyond the two qualifying features of the SAC, providing increased quantity and quality of habitat for a range of flora and fauna.
38. Some detrimental impacts on the designated site features are expected during the construction works. These impacts will be short term and temporary, for the duration of the works. The outline mitigation measures identified by the applicant are sufficient to evidence that adverse impacts on site integrity can be avoided, subject to the recommended condition concerning the submission of a Construction Environment Management Plan, to include specific and detailed mitigation



measures, and the employment of a suitably qualified and experienced Ecological Clerk of Works, to oversee the construction process.

39. The proposed development will protect, restore and enhance natural assets and will not have any permanent detrimental impacts on the environment or protected species. Temporary detrimental impacts resulting from the construction process can be suitably mitigated. The proposal therefore complies with NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places and LDP Policy 4 Natural heritage.

Flooding and surface water

40. **NPF4 Policy 22: Flood risk and water management** seeks to ensure that developments are resilient to current and future flood risk.
41. SEPA raised no objections to the proposal noting that the scheme will not increase flood risk to any receptors and that it may provide some flood storage, potentially reducing flood volumes downstream.
42. The proposal will not have any detrimental impacts on flood risk to any receptors and is in accordance with NPF4 Policy 22, potentially providing additional resilience to flooding downstream.

Conclusion

43. The proposed development will deliver the reinstatement of natural river form and processes. This will likely result in increased biodiversity, a positive impact on both qualifying features of the River South Esk SAC and improved climate change resilience through increased resilience to flooding downstream of the application site. The principle of the proposal complies with NPF4 Policy 1: Tackling the climate and nature crises, NPF4 Policy 2: Climate mitigation and adaptation and NPF4 Policy 20: Blue and green infrastructure.
44. The development will protect, restore and enhance natural assets in compliance with NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places and LDP Policy 4: Natural heritage, and it is acceptable in terms of impacts on flood risk and surface water drainage in accordance with NPF4 Policy 22: Flood risk and water management.



45. The proposed development accords with the six qualities of place as identified by NPF4 Policy 14: Design, quality and place and with LDP Policy 3: Design and Placemaking.
46. The proposed development is therefore in accordance with the provisions of the development plan and no material considerations outweigh this conclusion.

Recommendation

That members of the committee support a recommendation to APPROVE the application for the restoration of March Burn including realignment of river channel, removal of lower section of river embankments, infilling and regrading of river channel and river embankment, installation of large wood green bank protection and large wood structures, the formation of an inset floodplain and wetland scrapes, and associated works, at March Burn, Glen Clova, subject to the following conditions.



Conditions

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

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended

2. **No development shall commence on site until a site-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. For the avoidance of doubt the CEMP shall include details of proposed mitigation measures and of the role and responsibilities on site of an Ecological Clerk of Works, or similarly competent person. All works carried out during construction shall be undertaken strictly in accordance with the approved CEMP.**

Reason: In the interests of protecting the biodiversity and the environment in accordance with National Planning Framework 4 Policy 3: Biodiversity and Policy 4: Natural heritage of the Cairngorms National Park Local Development Plan 2021.



Informatives

1. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
2. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.