
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ROBERT GRANT, PLANNING OFFICER

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR THE INSTALLATION OF 4 BOREHOLES FOR GROUNDWATER ABSTRACTION AND THE CONSTRUCTION OF 4 UNDERGROUND WELLHEAD CHAMBERS, ACCESS TRACK AND ASSOCIATED SITE WORKS ON LAND BETWEEN B9152 AND THE RIVER SPEY, AVIEMORE.

REFERENCE: 08/400/CP

APPLICANT: SCOTTISH WATER, C/O SCOTTISH WATER SOLUTIONS, TORRIDON HOUSE, BEECHWOOD BUSINESS PARK, INVERNESS, IV2 3BW

DATE CALLED-IN: 11 DECEMBER 2008

RECOMMENDATION: GRANT WITH CONDITIONS

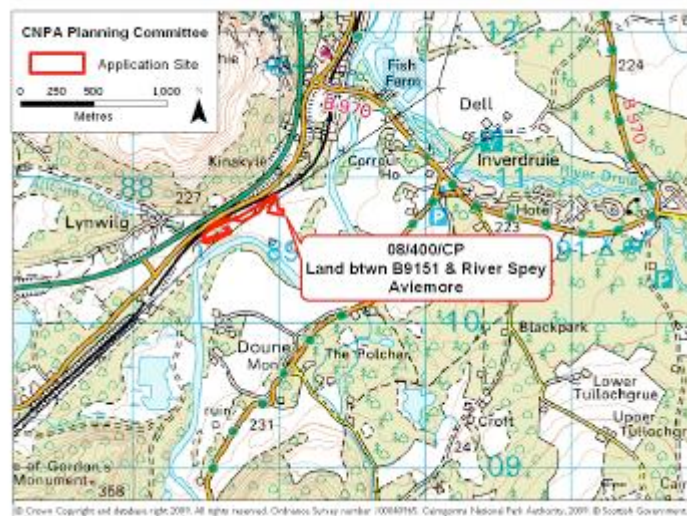


Fig. 1: Site location plan

SITE DESCRIPTION AND PROPOSAL

Background

1. This planning application is one of three separate but inter-related applications made by Scottish Water to upgrade the current public water supply serving the Badenoch and Strathspey catchment area. This catchment includes all of the settlements in the area and extends from Cromdale in the north to Newtonmore in the south. Full planning permission was sought for the construction of a Clear Water Tank and associated works (08/328/CP) on a site to the west of Sluggangranish, to the north of Aviemore. The CNPA resolved to grant planning permission for that development at its meeting on 20th February 2009. A further application was approved by the CNPA on 26th June 2009 for a Water Treatment Works building, associated site works and the construction of an access road at Easter Kinakyle (08/329/CP). A further additional component is the installation of a new underground water main to pump treated water from the proposed Water Treatment Works to the Clear Water Tank, and to direct the stored treated water from the Clear Water Tank to the existing distribution main and the rest of the system. These pipeline components have been classed as Permitted Development under Class 38 (Water Undertakings) of the Town and Country Planning (Scotland) General Permitted Development Order 1999.

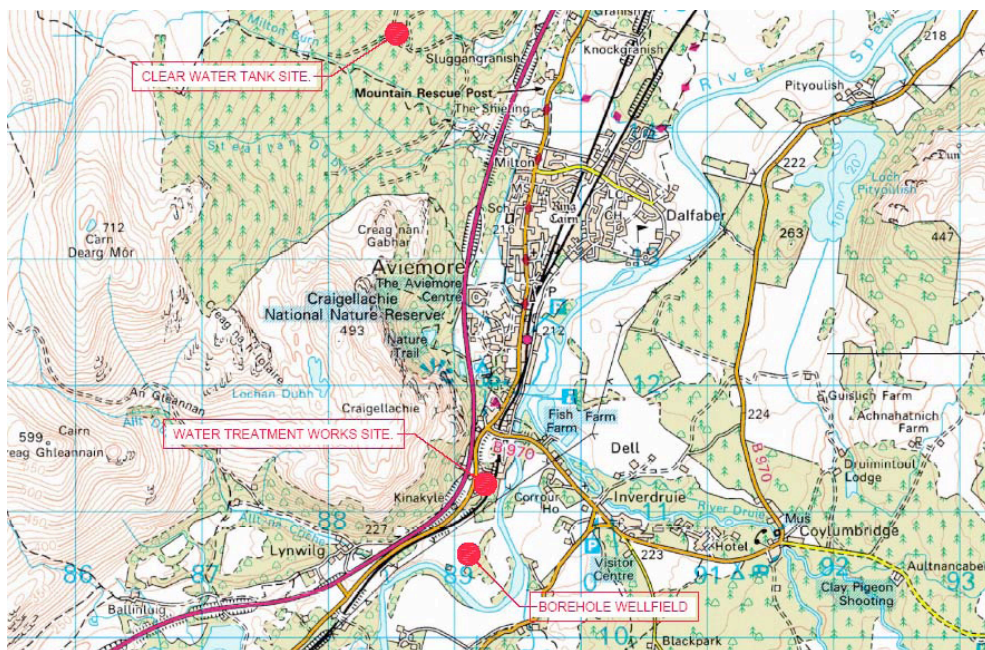


Fig. 2: Proposed Development Works - Locations

Proposal

2. Full planning permission is sought for the installation of 4no. boreholes for groundwater abstraction, the construction of 4no. underground wellhead chambers, access track and associated site works between the B9152 public

road, the Inverness – Perth railway line and nearby to the River Spey, some 2km to the south of Aviemore.

3. The site is in an elongated form, extending on a south west to north east axis formed around the borehole locations and the access track. It comprises a mix of agricultural grassland for grazing within its easternmost section and a small hillock to the western area, both on the margins of the flood plain and part of a lower river terrace within a meander loop of the River Spey. The site is predominately open and flat flying until it enters the area immediately adjacent to the hillock which consists of scrub and trees. A number of overhead line pylons are located in close proximity, running parallel with the road and railway.
4. Access to the site would be gained via an existing access point off the B9152 public road, from where an existing gravelled track leads to a railway crossing. Improvement works are proposed to the existing access track as part of this application, and also the formation of new sections into the site. The improved access track would extend approximately 560 metres through the site, where it is proposed to serve the 4no. borehole wellhead locations, it would utilise sections of existing access tracks where possible. The 3m wide access track would comprise a locally-sourced gravel sub-base. The main section would be finished with a gravel dust surfacing allowing for a reduced visual impact and to enable it to be utilised for the proposed Speyside Way long distance route extension.



Fig. 3: View of site access from above B9152



Fig. 4: Access from B9152



Fig. 5: Access leading to crossing

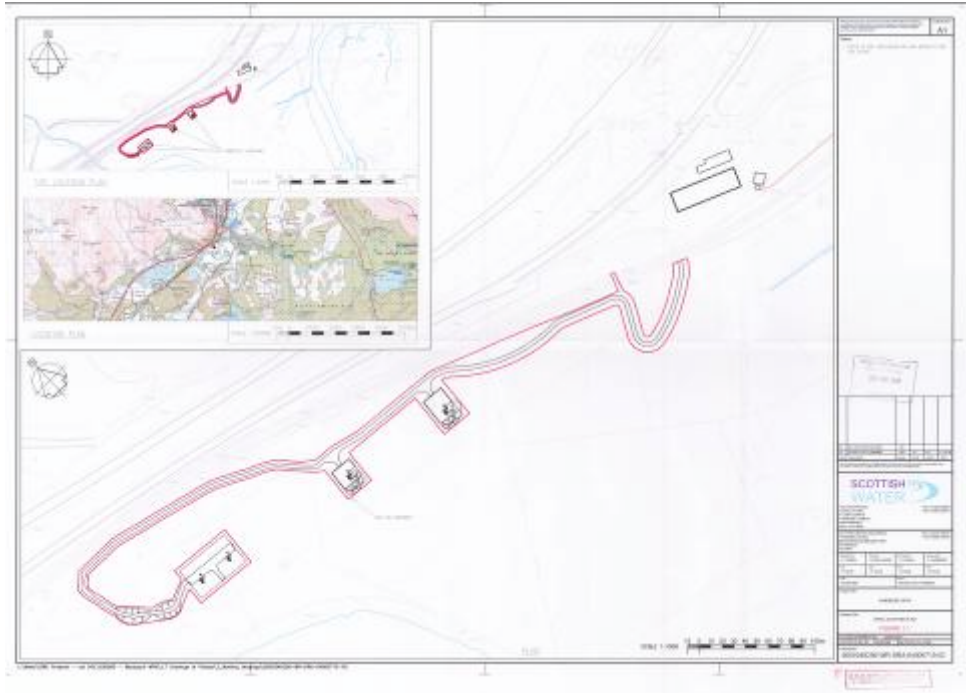


Fig. 6: Proposed site layout plan

5. The proposed boreholes would involve the installation of 4no. abstraction boreholes (3 duty and 1 stand-by wells) drilled to a depth of 55metres directly adjacent to the River Spey, located approximately 100m to 250m from the river. The boreholes would be constructed using 300mm steel casing and allow for the abstraction of 7.7 million litres of raw ground water per day for treatment from the river aquifer. Each borehole would have an underground wellhead chamber housing the pumping equipment, constructed of concrete to a depth of 1.6 m, with an area extending to 1.7 m (W) x 4.3m (L). These would appear up to 0.4 m above ground. Each would be enclosed by a stock-proof post and wire fence in a compound and partly mounded, with appropriate associated landscaping.



Fig. 9: looking towards borehole A&B



Fig.10: looking towards borehole C&D

6. This application has been subject to a number of amendments to reduce the visual impact of both the access track and the borehole equipment housing. It

was formerly proposed to install the wellhead equipment within walk-in GRP kiosk structures approximately 4.5m (L) x 2.5m (W) x 2.3m (H) (coloured Flint Grey). However negotiations have led to the structures being placed underground and more appropriately screened to reduce their visual impact. A number of options have been discussed with regard to the access track, ultimately the requirement for a balanced approach to landscape impact and the need for a suitable surface for use for walking, cycling and vehicles to utilise ensures that gravel dust would be the most satisfactory option available.

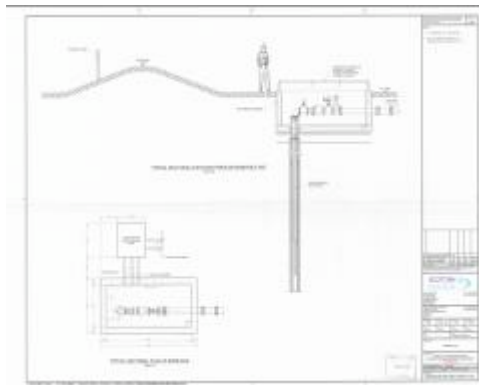


Fig. 7: Wellhead cross-section



Fig. 8: Similar examples – Ullapool

Supporting Information

7. Some background (see appendix I briefing note) to the overall proposals has already been provided in the course of the previously determined planning applications for the clear water tank and the water treatment works respectively. There are three project drivers for the development - improvement of water quality by upgrading the treatment process; providing growth for a population equivalent of approximately 4500 persons; and security of supply of both raw and treated water. The Water Treatment Works is required in order to achieve improved water quality, while the security of supply would be achieved through the installation of the already permitted Clear Water Tank, and the pipelines which would be undertaken under permitted development. The provision for increased growth would be addressed by the groundwater abstraction associated with the proposed new boreholes, brought about through this application
8. In terms of the specific requirement for the groundwater abstraction boreholes, the applicant refers to a requirement to ensure a suitable long term source of raw water supply. The existing supply used by Scottish Water is Loch Einich, utilised since 1972, which however does not satisfy the requirements of the Water Framework Directive for the immediate to long term and as a consequence a new source requires to be identified and developed. The lack of reservoir level control capability, physical restrictions related to the existing intake works and the poor condition of the water main have had a direct impact on the quantity of water that can be extracted from the loch, with frequent operational problems and limited future capacity. An extant planning permission (granted 2005) to upgrade the water

supply pipe from Loch Einich to Blackpark Water Treatment Works has not been implemented in favour of this alternative, more sustainable solution. A number of potential sites were evaluated for potential groundwater abstraction points in the Upper Spey Valley, a Best Practicable Environmental Option (BPEO) assessment identified the Kinakyle site as the preferred option. An Environmental Statement, required following a screening opinion issued by Highland Council on 20th June 2008 determining that it would fall within Environmental Impact Assessment Development Schedule 2 thresholds, has been submitted related to this application, it assessed that the impact of the abstraction on the River Spey is considered to be negligible, whilst there would be an environmental benefit to Loch Einich as flows and regimes would be returned to their natural state as the existing supply at Loch Einich would no longer be required. The applicant highlights that the proposal would ensure water quality and quantity to all the Strathspey communities.

DEVELOPMENT PLAN CONTEXT

9. 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 Badenoch and Strathspey Local Plan 1997.

National Planning Policy

10. **Scottish Planning Policy (2008)** provides the national context for decision making and sets out the key priorities for the planning system. The primary objectives are; to set the land use framework for promoting sustainable economic development; to encourage and support regeneration; and to maintain and enhance the quality of the natural heritage and built environment.

Highland Structure Plan 2001

11. In the **Highland Structure Plan 2001**, sustainable objectives include maximising, the effectiveness and efficiency of infrastructure provision; standards of health for all; and the quality of air, water and land.

Policy G2 (Design for Sustainability) states that developments 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;

Policy L4 (Landscape Character) seeks to maintain and enhance present landscape character. In principle, the structure plan highlights the importance of a satisfactory infrastructure system to promote economic development.

Policy U3 (Water Supplies) provides general support for proposals which seek to safeguard water resources in terms of volume and quality of water.

Badenoch and Strathspey Local Plan 1997

12. The **Badenoch and Strathspey Local Plan 1997** includes in its strategic objectives the need to continue to upgrade and extend essential infrastructure networks; promote the sustainable use of the area's resources; and accommodate the projected further population growth.

6.5.3 Village Edges the amenity and heritage areas will be safeguarded including buffer corridors extending alongside the B9152 approaches as far as the A9 junctions.

Cairngorms National Park Plan 2007

13. 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.

CONSULTATIONS

14. **SEPA** initially objected to the proposal on flood risk grounds. However, following the provision of additional information **SEPA** withdrew its objection in a response dated 28 April 2009. The objection was removed subject to a condition being included in any grant of planning permission requiring that the compensatory flood storage scheme (as per Drawing No. 5000349254-WR-DRA-04001531-01, dated 07 September 2009) is implemented prior to the commencement of development of the proposed works.
15. **Transport, Environment and Community (TEC) Services** section of Highland Council confirm they have no objection provided the development would not increase flood risk.
16. **Aviemore and Vicinity Community Council** – returned no comment regarding this application.
17. **Network Rail** raises no objection to the proposal, although a number of issues have been raised. They express some concern that the proposed landscaping scheme could potentially interfere with visibility at the level crossing and has requested that it be consulted further on any agreed management plan and specified planting scheme for the rail boundary, requesting that it complies with the below minimum distance requirement. On this latter point, Network Rail suggests that the height restrictions be conditioned as part of any grant of approval.

18. It is noted that the upgraded access road and construction works on the site would alter the ground levels adjacent to the railway and would therefore affect the drainage of the area. It is suggested that the developer be required to provide details of all proposed drainage arrangements for the site, to ensure that all surface or foul water arising from the development is collected and diverted away from Network Rail property. The submission from Network Rail also states that the access track surfacing up to and potentially beyond the level crossing must be undertaken in agreement with Network Rail, as well as the use of the level crossing for access requiring to be regulated by agreement.
19. **Scottish Natural Heritage** 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 European designated sites or species, and other designated sites, and makes no comment on landscape, public access and other natural heritage interests.
20. **SNH** has considered the Environmental Statement (ES) as part of the application. **SNH** agree with the conclusions reached and has no objection to the proposal subject to a number of suspensive conditions. **SNH** consider that the proposal may likely have a significant effect on the qualifying interests of the site through changes in the water flow regime and sediment distribution in the vicinity of the abstraction.
21. In terms of European Interests, it is noted that the proposed site lies close to the River Spey Special Area of Conservation (SAC), which is designated for its population of Atlantic salmon, sea lamprey, otter and freshwater pearl mussel. It is required that the **CNPA** undertake an Appropriate Assessment of the implications for the site in view of the conservation objectives for its qualifying objectives. The assessment should consider the impact of changes in water levels, flows and the integrity of habitats for salmon, sea lamprey, freshwater pearl and otter.
22. Comment is also offered in the consultation response on National Interests. The main stem of the River Spey is also a Site of Special Scientific Interest, which is designated for the same four species as the SAC. Given that the interests of the SSSI are the same as the SAC, it is not necessary to consider the SSSI further.
23. **SNH** conclude that indirect impacts could arise in the lowering of the water table and silt/sedimentation entering the river during construction and could impact on the species of interest, however they do not foresee this proposal having any direct impact on the features of interest in the SAC. In particular the ES predicts very small reductions in flow level (ie 7mm for approximately 1km of river between of the boreholes and the confluence of the River Spey with the River Druie. **SNH** therefore do not consider that the proposal will adversely affect the conservation objectives of the designated site.

24. CNPA's **Visitor Services and Recreation Group** has no objection to the application, which considered the proposal from the perspective of access, but asks for the prospective line of the Speyside Way to be safeguarded.
25. **Spey Fishery Board** formally objects to the proposal. It is noted at the outset of the consultation response that this current application is one of several that collectively form plans to replace Badenoch and Strathspey's existing water supply from Loch Einich with a new borehole supply adjacent to the River Spey. The consultation response describes the **Spey Fishery Board** as a Statutory Body (for clarification: they are not a statutory body under the terms of the Town and Country Planning Act) charged with the conservation, protection and enhancement of Atlantic salmon and sea trout in the River Spey catchment. It also notes that the River Spey is a Special Area of Conservation and is a Site of Special Scientific Interest. **Spey Fishery Board** remain concerned that the overall introduction of boreholes adjacent to the River Spey could place unacceptable negative impacts on the protected species and habitats within the SAC and SSSI. Concern is also expressed that this current proposal "may be considered in isolation, rather than in conjunction with the cumulative effects of the other applications that will collectively make up Scottish Water's proposal." The cumulative impact of the overall project as a whole is considered significant and it is described as being "potentially dangerous to allow such a proposal to progress on a piece-meal basis."
26. The CNPA's **Heritage and Land Management Group** have prepared an Appropriate Assessment has been prepared by The response considers the impacts of the proposed development on the conservation objectives for qualifying interests of the SAC; including Otter, Atlantic Salmon, Freshwater pearl mussels and Sea Lamprey. **HLM** have no objection but suggest appropriate conditions for pollution and sedimentation prevention during construction and operation including construction method statements and species monitoring regimes. It highlights that the ES specifically states a reduction of 7mm difference to existing water levels, this reduction would affect 1km downstream. The instream river features will be retained, referring directly to SEPA's Hydrological Assessment of the water abstraction which concluded that 'the impact of the PWS abstraction in terms of both flow and level will have little impact on the hydrological characteristics of the River Spey,' and that 'the ecological status of the impacted waterbody will remain at moderate.'
27. The assessment has concluded that it is unlikely that the development would have a significant effect on the otter population, with no otter activity identified nearby to the borehole locations.
28. The proposal may impact on Atlantic salmon by reducing the water level and altering the habitat available in the river, the ES states very low levels of good quality habitat currently exist around the Kinkyle area. It goes on to make specific mention of the concerns of the **Spey Fisheries Board** mirroring the assessment of both SEPA and SNH that the 'integrity of the salmon

population of the River Spey will not be affected.' It concludes that there will be no significant effect on Atlantic salmon.

29. The assessment further evaluates the impact on freshwater peal mussels and sea lamprey, concluding that the change in water levels would not have a significant on either resource within the River. The ecological status of the River will remain unchanged.

REPRESENTATIONS

30. The applicants undertook an extensive public consultation exercise including regulatory bodies, planning authorities and other statutory/non-statutory consultees. Alongside this a wider community consultation programme was established with community councils and an issue of some 6,600 postcards and open days. A number press releases and a public meeting were also undertaken.
31. No representations have been received in respect of the planning application for the development proposal.

APPRAISAL

32. 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 and Interdependence of Development

33. The development of the boreholes for extraction of groundwater from the River Spey represents a component of a major infrastructure project to upgrade the supply of public water for the Badenoch and Strathspey area of the Park. The drivers for the project relate to improving the quality, quantity and security of the supply which at present comes from Loch Einich. While planning permission was granted in 2005 for the upgrade of the raw water supply pipeline from Loch Einich to the existing treatment works at Blackpark, this has not been implemented. Scottish Water considered that a more sustainable raw water supply should and could be sought to provide an alternative supply or to augment the existing supply. The result of this is to deliver a fully integrated scheme within the investment period from 2006-2010. This has resulted in the proposal for the 4 components – the clear water tank (already permitted), new pipeline (permitted development) and the (recently approved) Water Treatment Works. This planning application is for the proposed boreholes (CNPA planning ref. no. 08/400/CP) to establish a new raw water source.
34. The proposed boreholes are a component of the Scottish Water proposals for the overall Badenoch and Strathspey Water Supply and Treatment Project, Scottish Water highlight that they would require to upgrade the treatment of water abstracted from Loch Einich by replacing the existing infrastructure if permission for this application were to be refused. It is clear

within their supporting statement that a new raw water source needs to be identified and developed. Scottish Water have carried out a detailed assessment of alternative raw water sources and have selected the option of abstraction of groundwater from the River Spey by way of Boreholes. Further background is set out within paragraphs 6 & 7 of this report.

35. While it is Scottish Water's preference to construct all four components of the overall project simultaneously, should one or more of the discrete components be delayed or refused for any reason, it remains the intention to progress the project, in principle and with whatever components are approved by the CNPA. In the event of the proposed boreholes being rejected at the planning permission stage, Scottish Water would revert to earlier plans to pursue the upgrading of the treatment of the raw water extracted from Loch Einich, and the proposed Water Treatment Works would continue to be required as part of that overall project. The interrelationship of the various components of the overall project, as well as their independence as single entities has been detailed in a briefing note prepared by Scottish Water (appendix I). The CNPA have given full consideration to each of the individual components on their individual respective merits, however realising that they are all inter-related by virtue of being part of the same infrastructure project, significant cognisance of all three applications has been at the forefront of our assessment of this application, and the previously determined and approved applications, as detailed in paragraph I.
36. In terms of the principle of the development, there is general support in planning policy contained within the Development Plan, for improving the security, quality and quantity of the public water infrastructure in this part of the Park. The proposed boreholes would assist in improving the supply for existing users but also allow for the sustainable growth of not only the Aviemore catchment but the whole Badenoch and Strathspey area of the Park.

Natural Heritage, Landscape Impacts and Design Issues

37. The Environmental Statement submitted with this planning application has assessed the potential impacts during construction and operational stages, it considered that a number of short-term impacts would take place during construction, however these would be minimised by appropriate mitigation measures, while in the longer term any impacts would be of a moderately low or negligible nature. None of the environmental impacts were assessed as being significant. The primary concern identified during the scoping stage was that operation of the boreholes may adversely effect the hydrological environment resulting in a reduction in water flow. The Statement concludes that the reduction in flow (and thus level) in the River Spey would be negligible and studies showed a reduction of approximately 0.6% or 7mm of the river depth along a short stretch of the river upstream of its confluence with the River Druie. The flow entering the Spey downstream of the site will increase due to the decommissioning of the abstraction from Loch Einich.

38. The proposed boreholes would be located within 100m of the River Spey and its banks, which are designated as an SAC and a SSSI, the impacts on which are the main determinants of this application and to what extent these impacts, if any, may have on these designations including the qualifying species and other conservation objectives; including Otter, Atlantic Salmon, Freshwater pearl mussels and Sea Lamprey. The proposed extraction will affect approximately 1km downstream of the Kinakyle abstraction site to the confluence with the River Druiie, where the abandonment of the current water abstraction site at Loch Einich will release 7.10 million litres per day back into the River Spey. SEPA's Hydrological Assessment of the water abstraction (2009) states the reduction in flow is assessed to reduce the water level by less than 7mm from the low flow of the river flow regime, thus, the instream features of the river system will be maintained. The assessment concludes that the "the impact of the proposed abstraction in terms of both flow and level will have little impact on the hydrological characteristics of the River Spey" and that the "ecological status of the impacted waterbody will remain at moderate". SNH do not consider that the proposal will adversely affect the conservation objectives of the designated site. SEPA and HLM also accept the findings of the Environmental Statement and have no objections.
39. The ES highlights other issues such as the risk of pollution by increased sedimentation or the release of chemical pollutants, however it is identified that appropriate mitigation measures and monitoring regimes put in place should reduce this risk. It also goes on to recognise that the River Spey as having a strong fisheries interest and which is known to support migratory fish, it recommends measures to be put in place to minimise potential impacts on these interests.
40. Due to the location of the subject site nearby to one of the main approaches into Aviemore – alongside the B9152, the A9(T) and the railway line, which is low-lying, together with its relative openness, and containing significant views to the Cairngorms mountain massif the site is considered to be of a sensitive nature. In order to provide suitable mitigation, the design of the housing for the borehole wellheads equipment has been amended from a standard utility kiosk to place the structure underground in a more sympathetic and sensitive manner. This combined with appropriate landscaping is proposed around the boreholes. It is considered that the proposed development works associated with the boreholes would maintain the existing landscape quality. The amended proposals would ensure the scheme would be accommodated with no significant landscape and visual impact. The site is not the subject of any further natural heritage designations.
41. Members may be aware of concerns raised by the **Spey Fishery Board** in relation to the various applications, and again in the course of this proposal (as detailed in paragraph 25), where it is their view that the project should be seen as a whole. The **Spey Fishery Board** are particularly concerned over the borehole abstraction proposals and the potential impact on the Spey, and are concerned that consideration of other elements in isolation, may prejudice the outcome of other applications. However, having regard to the

details provided in the briefing paper and clarification of the fact that the proposed boreholes are necessary regardless of whether or not the other of the progression of the other components, I am satisfied that the current proposals has a sufficient degree of independence and should be considered on its merits and that the outcome of the determination would not prejudice the determination of any other applications by Scottish Water. The CNPA has had due regard to the three inter-related components viewing the applications with a level of cross-reference and recognition of the linkages between them. The **Spey Fishery Board** has been informed of the content of the Environmental Statement, the Appropriate Assessment and the consultation responses of SEPA, SNH and Heritage Land Management. They have provided further comment on information submitted and continue to raise question on the cumulative impact of this and other developments. It calls on the CNPA to investigate these prior to considering this application. The objection is considered to have been addressed insofar as the CNPA have consulted with SEPA and SNH at length, both have outlined that they have no outstanding concerns or objections.

Conclusion

42. The development of the boreholes forms part of a larger scheme for the upgrade of the Badenoch and Strathspey water supply, it has also been demonstrated that it is necessary. There are no significant impacts on natural heritage. Various measures would ensure that any natural or cultural heritage and landscape impacts are minimised. The development proposal is supported by planning policy.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

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

Promote Sustainable Use of Natural Resources

The development will assist in providing an improved quality and a more sustainable provision of, water supply to serve the Badenoch and Strathspey area of the National Park.

Promote Understanding and Enjoyment

The development would allow for the formation of a section of access track which has been identified as suitable for integration into the proposed Speyside Way long distance route extension, therefore it would contribute to improved accessibility and interconnection between the area's communities.

Promote Sustainable Economic and Social Development

The development, as part of a larger scheme, but also as an independent project, will improve the quality of treated public water for a significant part of the Park. In this respect, it would assist in facilitating growth and improving general life standards. The development is therefore considered to be positive for this aim.

RECOMMENDATION

That Members of the Committee agree a recommendation to grant full planning permission subject to the following conditions:

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

Reason: To comply with Section 58 of the Town and Country (Scotland) Planning Act 1997.

2. No development shall commence until such time as the compensatory floor storage scheme (as per Drawing No. 5000349254-WR-DRA-04001531-01, dated 07.09. 2009) has been implemented.

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

3. Prior to the commencement of development and notwithstanding any submitted soft and hard landscaping plans, revised landscaping proposals shall be submitted for the agreement of the Cairngorms National Park Authority (CNPA) acting as Planning Authority specifying the location, position and size of earth mounds and bunds around the boreholes and include provision for the planting of juniper and other species as appropriate. The surfacing finishes to the compound hard standings shall be agreed with the CNPA acting as Planning Authority. Where any trees or shrubs are to be planted adjacent to the railway boundary they shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height. A maintenance programme shall also be submitted in conjunction with the revised landscaping plan and any planting which are destroyed, die or are diseased within five years of implementation, shall be replaced with similar specimens. The landscaping shall be carried out in accordance with the agreed plan and shall be completed within one year of the commencement of works.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will mitigate the impact of the development and enhance the landscape in the vicinity. This condition takes account of railway safety.

4. Prior to the commencement of any works, details of the Surface Water drainage solutions for the development shall be submitted to and agreed in writing with the CNPA acting as Planning Authority, in consultation with Network Rail.

Reason: To ensure the site is adequately drained to meet Best Management Practice and to prevent water affecting drainage of the level crossing.

5. Prior to the commencement of development a construction method statement and detailed proposals for the siting of any temporary construction compound, discharge points for pumping tests 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.

6. Prior to the commencement of development a pre-construction otter survey, undertaken within one month of any works shall be submitted to the CNPA acting as Planning Authority. Any excavations shall be covered at night or fenced to exclude otters. If any change in the way otters use the site is recorded suitable mitigation measures shall be identified and implemented, to the satisfaction of the CNPA as Planning Authority.

Reason: In order to protect otter populations which are a protected species.

7. Prior to the boreholes coming into use, the covers of the borehole wellheads shall be finished in a colour to reduce visual impact (as per Drawing No. 5000349256-WR-DRA-04000712-04, dated 05.09. 2009) all to be agreed beforehand with the CNPA acting as Planning Authority.
8. The population of Atlantic salmon and sea lamprey shall be monitored during the construction period and the initial operation of the scheme for an agreed period after the scheme is operational and all in accordance with a scheme to be submitted to and agreed by the CNPA acting as Planning Authority before development commences.

Reason: In order to protect Atlantic Salmon and sea lamprey populations which are protected species.

9. The section of the proposed access track identified on the attached plan, which offers the opportunity for the extended Speyside Way, shall be safeguarded to ensure that the route remains feasible. Notwithstanding any submitted drawings, revised proposals showing the section of track identified and the finished surface and method of construction shall be submitted to and agreed by the CNPA acting as the planning authority before development commences.

Reason: In order to promote and safeguard the interests of the proposed Speyside Way extension and to ensure that the surface is suitable for use.

10. Within three months of the borehole abstraction equipment hereby approved becoming operational, water abstraction from Loch Einich shall be abandoned in accordance with all necessary statutory requirements.

Reason: In order to ensure the proper and managed discontinuance of the existing water intake and equipment at Loch Einich in the interests of the natural heritage of the area.

11. In the event that the boreholes are no longer required for the provision of public water supply, and within a period of six months from the cessation of operations at the site, the ground shall have been reinstated including the wellheads and associated compounds and areas of redundant 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 boreholes and in the interests of conserving and enhancing 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 access track surfacing around the level crossing shall be undertaken in agreement with Network Rail. The integrity of the nearby culvert, some 130 yards north of the crossing should be ensured.

Robert Grant
08 September 2009

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