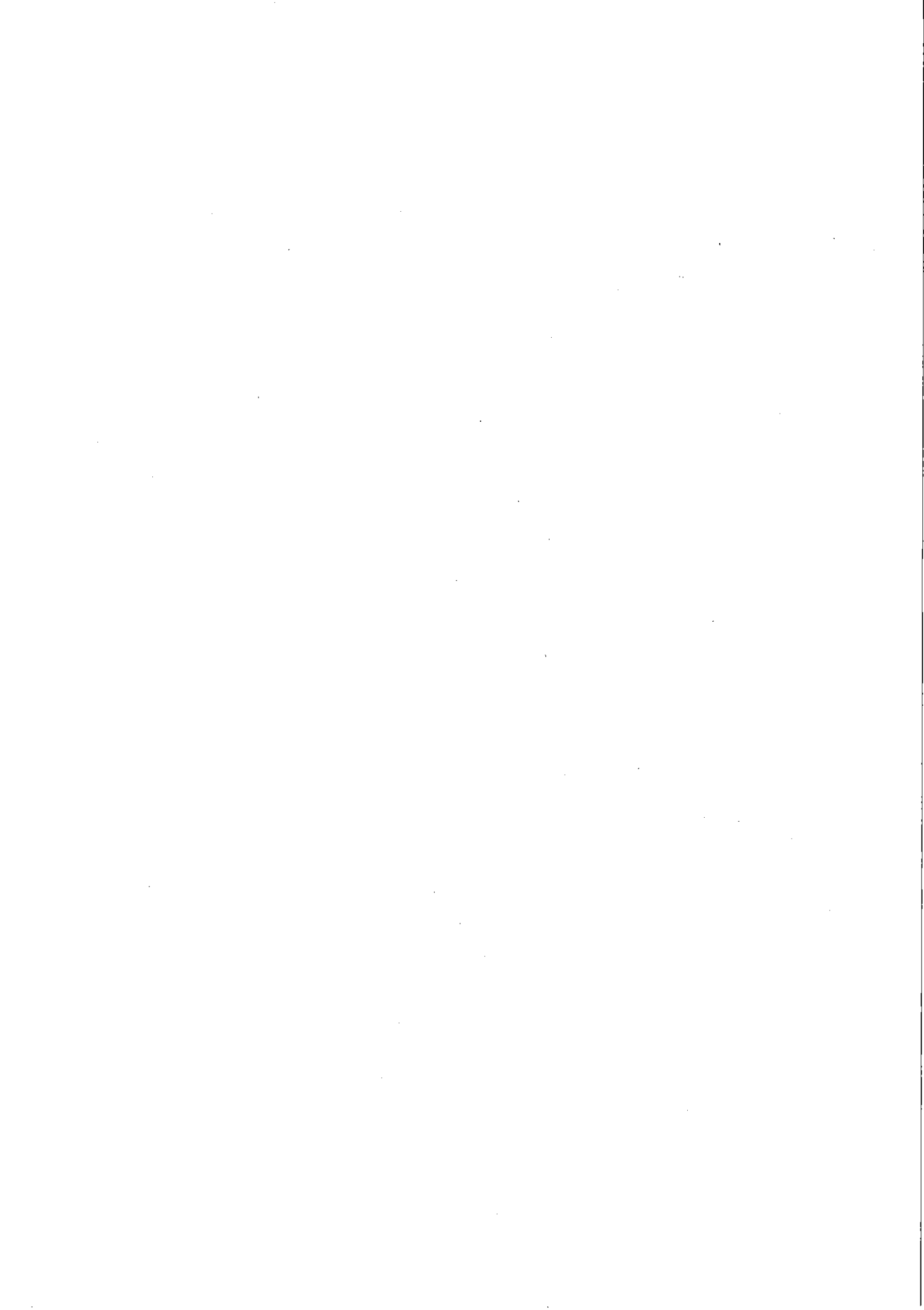


APPENDIX I

08/400/CP



BRIEFING NOTE:

Briefing Note submitted in relation to the proposed developments works associated with the Badenoch and Strathspey Water Supply and Treatment Project, including the Boreholes development for Groundwater abstraction at Kinakyle; the Water Treatment Works at Kinakyle; and the Clear Water Tank at Slugganranish and the Water Main to link these developments to the existing distribution system.

1.0 BACKGROUND

1.1 The Badenoch and Strathspey Water Supply and Treatment Scheme will supply treated water for the Badenoch and Strathspey catchment area, which includes all the settlements in the Strathspey region from Cromdale in the north to Newtonmore in the south, and including the principal settlement of Aviemore. The Badenoch and Strathspey Water Supply and Treatment Scheme to be undertaken by Scottish Water is made up of four discrete development components:-

- (1) Establishment of a new raw water source, involving the extraction of groundwater from the River Spey by way of boreholes, that will provide sufficient supplies of raw water for treatment;
- (2) Construction of a new Water Treatment Works Building for the treatment of the raw water;
- (3) Construction of a new Clear Water Tank for the storage of the treated water;
- (4) Installation of new underground Water Mains to pump treated water from Water Treatment Works building to the Clear Water Tank (Pumping Main) and to direct the stored treated water from the Clear Water Tank to the existing Distribution Main (Gravity Delivery Main)

2.0 PROJECT DRIVERS

2.1 There are three main drivers for the Badenoch and Strathspey Water Supply and Treatment Scheme. These are:-

- (1) Security of supply (of both raw and treated water);
- (2) Improvement in water quality (upgrading treatment process);
- (3) Providing for growth (for a population equivalent of 4,544 persons).

2.2 In order to achieve the security of supply of raw water, Scottish Water needs to identify a suitable raw water source that will provide sufficient long term supplies of raw water for treatment. The current raw water source used by Scottish Water is Loch Elnich; but the requirements of the water framework can't be satisfied as there are problems with suitability of this source for the immediate and long term. Consequently, a new raw water source needs to be identified and developed.

- 2.3 In order to achieve the security of supply of treated water, Scottish Water needs to install a new Clear Water Tank to store the treated water. This will allow routine maintenance and emergency repairs to be carried out without interruption to customers supply. This Tank must be located on an elevated position to allow the use of gravity flow of the water to the existing water distribution system.

There is currently no large storage facility of treated water for Aviemore, with the community's water supply needs being served directly from the Water Treatment Works. This lack of storage means that the amount of treated water available for supply to the community is limited by the amount of raw water that can be passed through the treatment process. This situation has led to frequent interruptions of supply to customers both during repairs to the treatment infrastructure and from water shortages in times of high usage.

The proposed Clear Water Tank would be able to be fed from either the existing Blackpark Water Treatment Works or from the proposed new Water Treatment Works at Kinakyle. The majority of the pipeline construction is common to both schemes. The Tank would provide 24 hours storage of treated water to allow either repairs to be carried out on the existing raw water main or elsewhere in the network, with minimal disruption to customers, or to meet increases in demand for water.

- 2.4 In order to improve the quality of treated water, Scottish Water is required to upgrade the existing water treatment infrastructure. The current water treatment, comprising only dosing pumps, housed at the existing Water Treatment Works at Blackpark is not capable of improving water quality to the standard required as new membrane technology is required, nor is there the physical space to allow additional infrastructure to be introduced. Therefore, Scottish Water is required to seek an alternative location for the construction of a new Water Treatment Works.

- 2.5 In terms of growth, the Cairngorm National Park Authority (CNPA) Deposit Local Plan indicates that there will be significant growth in the future. It is predicted that the population will grow by around 1,000 in the short term and rise by approximately 3,000 in the next 10 years. Scottish Water believes that given the current problems indicated above, it will struggle to provide the required quantity of treated water to meet these growth demands. All four components of the Badenoch and Strathspey Water Supply and Treatment Scheme will address the requirement to provide for population growth in the Aviemore catchment.

3.0 JUSTIFICATION OF PROJECT DRIVERS

Existing Raw Water Supply

- 3.1 Loch Einich has been the main source of public water supply for the Spey Valley area since 1972. The Loch is situated at an elevation of approximately 500m at the head of Glen Einich in the Cairngorm Mountains. It supplies the existing Blackpark Water Treatment Works (WTW), near Coylumbridge, which provides water to Aviemore and surrounding communities that extend as far as Cromdale in the north and Newtonmore in the south. Blackpark WTW currently supplies a population of around 11,500 persons.
- 3.2 While Loch Einich provides good quality raw water and, whilst Scottish Water believes that the loch should be able to provide an appropriately reliable yield from a hydrological perspective, there are current problems with regard to the

physical restrictions associated with the existing intake works and with a lack of reservoir level control capability.

- 3.3 The problems of adequate yield, coupled with the poor condition of the raw water main that connects the loch to the existing Blackpark WTW, have had a direct impact on the quantity of raw water Scottish Water are able to physically abstract from the loch and its ability to consistently comply with the conditions stipulated in the Water Order, particularly in relation to the compensation flows from the loch. This situation not only results in frequent operational problems, but also limits the amount of water available for new customers and has prompted Scottish Water to examine how existing supply arrangements can be improved and made more reliable.

Alternative Raw Water Supplies Considered

- 3.4 Numerous solutions to upgrade the existing water supply, both for the long and short term, have been investigated, but due to the extremely sensitive nature of Loch Einich, coupled with funding restrictions, agreement with all stakeholders on a preferred solution was not possible.
- 3.5 Planning permission was granted in 2005 for the upgrade of the existing raw water supply pipe from Loch Einich to Blackpark WTW, following the submission of an EIA. However as yet this work has not been implemented as it was considered that a more sustainable raw water supply should be sought, which would either provide an alternative supply or augment the existing supply. The proposed development was therefore deferred (with the agreement of the Drinking Water Quality Regulator) to allow full consultation with stakeholders and to allow the opportunity to deliver a fully integrated scheme in the next Investment Period (2006 -2010).
- 3.6 In 2006, a wide ranging optioneering exercise commenced to consider all alternative water sources to find a fully integrated solution that would address all the issues concerning the Badenoch and Strathspey water supply system including the water resource, water quality, transmission main and storage issues.

A Best Practicable Environmental Option (BPEO) assessment workshop meeting was held on the 27th July 2006 with Scottish Natural Heritage (SNH), CNPA and SWS. Each option was assessed against a set of criteria, including ecology, nuisance, traffic, impacts, cultural heritage, socio-economic, landscape and statutory approval both during construction and operation. The options were also assessed against cost, operability and constructability. Those projects which scored highest had the greatest potential for adverse impacts and were therefore the least desirable.

As a result of the detailed Optioneering study carried out in 2006 it was decided that the preferred option for the upgrading of the Badenoch and Strathspey water supply would be the abstraction of groundwater from the River Spey, coupled with the development of a new Water Treatment Works.

- 3.7 Scottish Water then commissioned the British Geological Survey's (BGS) Natural Environment Research Council to identify areas of potential groundwater abstraction in the Upper Spey Valley. A number of areas between Boat of Garten and Kinraig were thought to have potential for groundwater abstraction and were further investigated. The BGS report provided the basis for locating a borehole wellfield. Within the areas identified as being worthy of further

investigation specific sites were considered holistically from a planning, ecological, environmental, water quality, risk, engineering and cost perspective. Scottish Water then investigated this further by sinking trial holes at the preferred site at Kinakyle (NGR: NH 893 107) to establish if sufficient yield was available. A series of individual tests was carried out on each borehole and then combined pumping tests and water quality sampling were also undertaken.

Of the potential borehole sites which were investigated, the borehole wellfield at the Kinakyle site was selected as the preferred option due to it being assessed as being able to deliver a suitably consistent yield of raw water. It was established that Kinakyle site could accommodate up to four or five boreholes (each approximately 60m deep) to provide a groundwater abstraction level of 9 million litres per day, which would then be treated by a new water treatment works comprising a membrane plant.

- 3.8 It should be highlighted that the selection of a groundwater abstraction scheme through the proposed Boreholes at the Kinakyle site as the preferred water supply source for the upgrading of the Aviemore Water Treatment Works project will mean that the existing supply from Loch Einich will no longer be required. This will mean that the flows and discharges will be returned to their natural regime which will have benefits not only for Loch Einich but the Am Beanaidh, the River Druie and the River Spey.
- 3.9 The River Druie joins the River Spey approximately 1 kilometre downstream of the proposed Boreholes at Kinakyle and thus any impact on the River Spey caused by the borehole abstraction will be countered by the return of the water currently being abstracted from Loch Einich. Any effects on the River Spey would therefore only be experienced for this short distance between the proposed borehole site at Kinakyle and the confluence of the River Spey and River Druie.

Water Quality

- 3.10 Scottish Water is bound by the legislative requirements contained in the EC Directive 98/83 on the quality of water intended for human consumption and also to improve public perception and satisfaction. Currently the raw from Loch Einich is piped to existing Blackpark Water Treatment Works (WTW) facility, located 3km south east of Aviemore, for treatment. However, this existing WTW, which currently supplies treated water to all of the Strathspey communities, requires refurbishment to ensure bacteriological compliance.
- 3.11 Because of the legislative requirement to improve the quality of water treatment and the need to address concerns of sufficient supply of both raw water and treated water, Scottish Water have identified the Badenoch and Strathspey Water Supply and Treatment Scheme as having the highest priority. The installation of the GRP Kiosks will allow Scottish Water to implement a key component of the Scheme. The installation of the new water treatment infrastructure will address the requirement to improve the quality of treated water.

Security of Supply of Water

- 3.12 Because of the need to address concerns of sufficient supply of treated water, Scottish Water identified the need for a Clear Water Tank to be constructed to house sufficient reserves of treated water to serve the communities within the Badenoch and Strathspey catchment.
- 3.13 As indicated above, there is currently no large storage facility of treated water for Aviemore, with the community being served directly from the Water Treatment

Works. This had lead to no water in the event of a burst in the water main and shortages in times of high usage. The installation of the new Clear Water Tank at Slugganranish will address the need for security of supply of treated water.

- 3.14 An additional problem is that the raw water main which supplies the existing Blackpark WTW requires replacing as it is in poor condition. When a burst occurs to this pipe, there is the potential that within a matter of hours up to 6,600 Scottish Water customers could be left without water supply. The installation of the new Water Mains will address the need for security of supply of both raw water to be pumped to the Water Treatment Works and for the treated water to be pumped from the Water Treatment Works to the Clear Water Tank.

4.0 INTERDEPENDANCE OF THE VARIOUS DEVELOPMENT COMPENENTS

- 4.1 As indicated above, the Badenoch and Strathspey Water Supply and Treatment Scheme is made up of four discrete components:-

- Raw Water Source;
- Water Treatment Works Building;
- Clear Water Tank;
- Underground Water Main.

- 4.2 It is Scottish Water's preference to construct all four components simultaneously, in order to be able to meet the three main drivers identified for the project:

- Security of Supply (of both raw water and treated water)
- Improving Quality of Treated Water;
- Providing for Growth.

However, should one or more of the discrete components be delayed for whatever reason (difficulties with land purchase, delays in environmental assessments, concerns from special interest groups etc) it is still Scottish Water's intention to progress with the project, in principle and with whatever components that are approved by CNPA.

- 4.3 As indicated above, the existing raw water source at Loch Einich is at risk due to problems with its suitability for the immediate and long term. A new raw water source needs to be identified and developed. Furthermore, the current water treatment infrastructure housed at the existing Water Treatment Works at Blackpark is not capable of improving water quality to the standard required, nor is there the physical space to allow additional infrastructure to be introduced.

- 4.4 In order to address the problem of poor water supply, Scottish Water have carried out a detailed assessment of alternative raw water sources and have selected an alternative involving the abstraction of groundwater from the River Spey by way of boreholes (the subject of a planning application currently lodged with the CNPA). However, if approval for this new raw water source is rejected by the CNPA, Scottish Water will still pursue the upgrading of the treatment of the raw water abstracted from Loch Einich, by replacing the existing obsolete infrastructure at Blackpark and progressing the development of the new Water Treatment Works at Kinakyle (the subject of a separate planning application currently lodged with the CNPA).

- 4.5 Furthermore, current problems with the security of treated water supply for the Aviemore catchment will only be addressed by the construction of a new Clear water Tank (the subject of a separate planning application currently lodged with the CNPA). This Clear Water Tank would need to be installed, whatever changes are made to the source of raw water or the treatment of this raw water. Therefore, even if the raw water source for the catchment remains at Loch Einich and or the water treatment facility remains at Blackpark, a new Clear Water Tank will be required to be installed to serve the needs of the Aviemore community.
- 4.6 Likewise, the upgrading of the Water Mains associated with the existing Aviemore Scheme, involving the Pumping Mains from the raw water source to the Water Treatment Works and from the Water Treatment Works to the new Clear Water Tank, will take place whether the raw water source remains at Loch Einich or moves to the River Spey at Kinakyle and whether the Water Treatment Works remains at Blackpark or moves to Kinakyle.

5.0 PLANNING STATUS OF DEVELOPMENT COMPONENTS

EIA Application for Boreholes Development

- 5.1 The Boreholes component of the Aviemore Scheme involves the sinking of four (4No.) boreholes of approximately 55m in depth, the installation of four (4No.) GRP Kiosks (4.5m long x 2.5m wide x 2m high) at ground level to house the pumping equipment for the abstraction of groundwater from the aquifer associated with the River Spey.
- 5.2 The site associated with the proposed Boreholes proposal is located 2km to the south west of Aviemore and is approximately 2 km away from Loch Alvie. The site is situated in the Upper Spey Valley which contains highly permeable sands and gravels of glacial, glaciofluvial and alluvial origin. The Boreholes site is adjacent to the A9 and the Inverness to Perth rail line. It occupies the margins of the flood plan and part of a low river terrace within a meander loop of the Spey.
- 5.3 The boreholes will be sunk to a depth of 55m and will be constructed using 300mm diameter stainless steel casing and well screen. The initial boreholes will be drilled at a diameter to accommodate a gravel pack of 50mm thickness. Therefore, the open hole should be at least 400 mm diameter to the full depth. The combined boreholes will allow for the abstraction of approximately 9.26 million litres per day of ground water. The four production wells will consist of 3 Duty and 1 Standby well each capable of delivering 40 l/s. Each borehole wellhead would have a local manual run to waste facility and a walk-in kiosk approximately 4.5m x 2.5m x 2.3m in size.
- 5.4 In a Screening Opinion issued by the Highland Council on 20th June 2008, Council's Head of Planning and Building Standards determined that the Boreholes component of the Badenoch and Strathspey Water Supply and Treatment Scheme was considered Environmental Impact Assessment Development. Due to this Screening Opinion, Scottish Water was required to submit an Environmental Statement to accompany the planning application for the Boreholes site. The requisite EIA application was submitted to Highland Council on 29th October 2008.
- 5.5 The Cairngorms National Park Planning Committee considered the above planning application under their Call-in powers at their committee meeting on 28th November 2008. The decision of the Committee was that the application raised a

planning issue of 'general significance' to the Cairngorms National Park aims under section 1 of the National Parks (Scotland) Act 2000. As such the Cairngorms National Park Authority called-in the application from the Highland Council and was now the deciding body for the application.

Planning Application for Water Treatment Works Development

- 5.6 The proposed Water Treatment Works development will be located adjacent to the B9152 and the Network Rail lines at Easter Kinakyle, just south of the township of Aviemore. The Water Treatment Works Building, which is the main structure associated with the Water Treatment Works site, will be approximately 58.5m long by 17.5m wide by 5m high (above ground level to eaves). At present it is anticipated that the building would be a steel portal frame building clad with PVC coated profiled aluminium sheets with a small dwarf wall (1.25m high) around the base. There would be a raised section of the roof, some 2.5m higher, to accommodate the lime silos.
- 5.7 Current proposals include for a range of above ground plant to be located adjacent to the Water Treatment Works Building, including a reinforced concrete tank (comprising raw water contact tank, chlorine contact tank, high lift pump wet well) and standby generator. These items of plant would be screened by planting. There would be other underground chambers located adjacent to the Building, including an inlet flow measurement chamber, valve chamber and drainage.
- 5.8 In a Screening Opinion issued by the Highland Council on 20th June 2008, Council's Head of Planning and Building Standards determined that the Water Treatment Works component of the Badenoch and Strathspey Water Supply and Treatment Scheme was not considered part of an Environmental Impact Assessment Development. The requisite planning application was submitted to Highland Council on 15th September 2008.
- 5.9 The Cairngorms National Park Planning Committee considered the above planning application under their Call-in powers at their committee meeting on 3rd October 2008. The decision of the Committee was that the application raised a planning issue of 'general significance' to the Cairngorms National Park aims under section 1 of the National Parks (Scotland) Act 2000. As such the Cairngorms National Park Authority called-in the application from the Highland Council and was now the deciding body for the application.

Planning Application for Clear Water Tank Development

- 5.10 The Clear Water Tank will be located approximately 5 kilometres away from the Water Treatment Building, on the lower slopes of Carn Mor (NH 878 159) behind Slugganranish. The treated water will be pumped directly to the Clear Water Tank from the Water Treatment Building. The treated water would then be directed back by gravity flow into the existing water distribution network, located only 1.8km from the Clear Water Tank, at the bottom of the hill. The Clear Water Tank would be at or above the level of the existing break pressure tank to ensure that similar flows and pressures within the system are maintained.
- 5.11 In a Screening Opinion issued by the Highland Council on 20th June 2008, Council's Head of Planning and Building Standards determined that the Clear Water Tank component of the Badenoch and Strathspey Water Supply and Treatment Scheme was not considered part of an Environmental Impact Assessment Development. The requisite planning application was submitted to Highland Council on 15th September 2008.

- 5.12 The Cairngorms National Park Planning Committee considered the above planning application under their Call-in powers at their committee meeting on 3rd October 2008. The decision of the Committee was that the application raised a planning issue of 'general significance' to the Cairngorms National Park aims under section 1 of the National Parks (Scotland) Act 2000. As such the Cairngorms National Park Authority called-in the application from the Highland Council and was now the deciding body for the application.

Permitted Development of Water Mains

- 5.13 The Water Mains associated with the Badenoch and Strathspey Water Supply and Treatment Scheme include a Pumping Main (400mm diameter) to be laid between the Water Treatment Building and the Clear Water Tank, a distance of approximately 5 kilometres and a Gravity Delivery Main (400mm diameter) to be laid between the Clear Water Tank back to the existing Distribution Main, a distance of approximately 1.8 kilometres. This Delivery Main will be laid in the same trench as the Pumping Main over the same 1.8 kilometres length. The total length of new trenching works required will therefore only be 5 kilometres.
- 5.14 The route of the Water Mains is still to be fully developed and agreed and will be subject to change. There are alternative options being considered of laying the pipe partly along the verge of the A9 and, to the west side of the A9 within the Craigellachie National Nature Reserve. While these options are at an early stage of development, it must be highlighted that they could bring benefits to the site by creating a new path to link the reserve with the orbital footpath. Informal discussions with regards to these proposals have taken place with Scottish National Heritage and the landowners, Seafield Estates.
- 5.15 The current proposed route of the Pumping Main initially rises up from the Water Treatment Building to the B9152, crossing under the road and heading northwards. At the new roundabout on the southern side of Aviemore, the route of the Pumping Main would avoid the newly built walls and pass through the caravan park. It is known that Macdonald Aviemore Highland Resort Limited have plans for commercial development along the next stretch of the route and any proposed works will need to be agreed in detail to tie in with their proposed plans. There is a tree preservation order covering the MacDonald Highland Resorts site and the pipe route will therefore need to be carefully chosen through this area.
- The Pumping Main would then follow the line of the existing 12 inch (300mm) diameter pipeline, roughly following the route of the Aviemore Orbital footpath. The route then turns westward, crossing the A9 around Milton, going through the new development currently under construction at High Burnside before going up the forest track to the Clear Water Tank.
- 5.16 With reference to the geological assessment of the area, the majority of the Water Mains route would be laid within sand and gravel deposits. There is a 120 metre section, approximately 150 metres from the Water Treatment Building site adjacent to the B9152, where bedrock may be encountered at or near the surface. There are also sections of the route up to the Clear Water Tank that will be likely to encounter rock near the surface. In addition, the area to the north of the Macdonald Aviemore Highland Resort and around the Aviemore Orbital path, although likely to be gravel, will include boulders, some of which may be large blocks of rock.

5.17 In a Screening Opinion issued by the Highland Council on 20th June 2008, Council's Head of Planning and Building Standards determined that the Water Mains component of the Badenoch and Strathspey Water Supply and Treatment Scheme was not considered part of an Environmental Impact Assessment Development. In a subsequent letter issued by Highland Council on 27th November 2008, Council confirmed that the installation of the proposed water mains would qualify as "permitted development" under Class 38 of the Town and Country Planning (Scotland) (General Permitted Development) Order 1999.

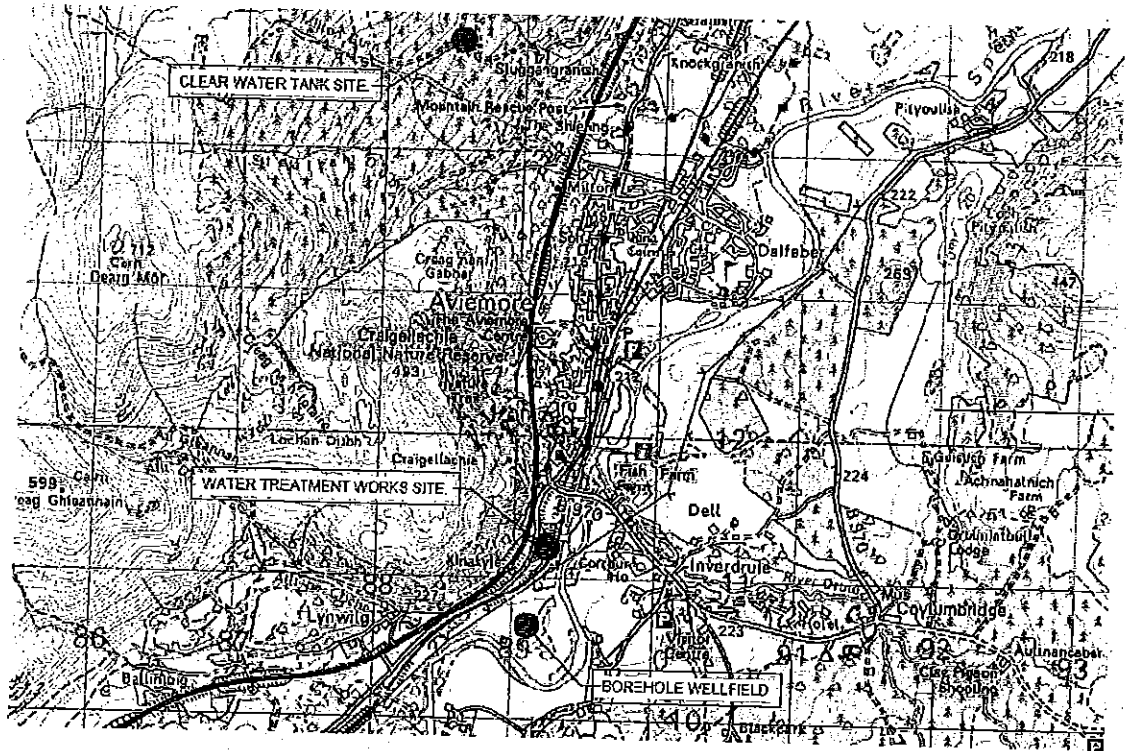
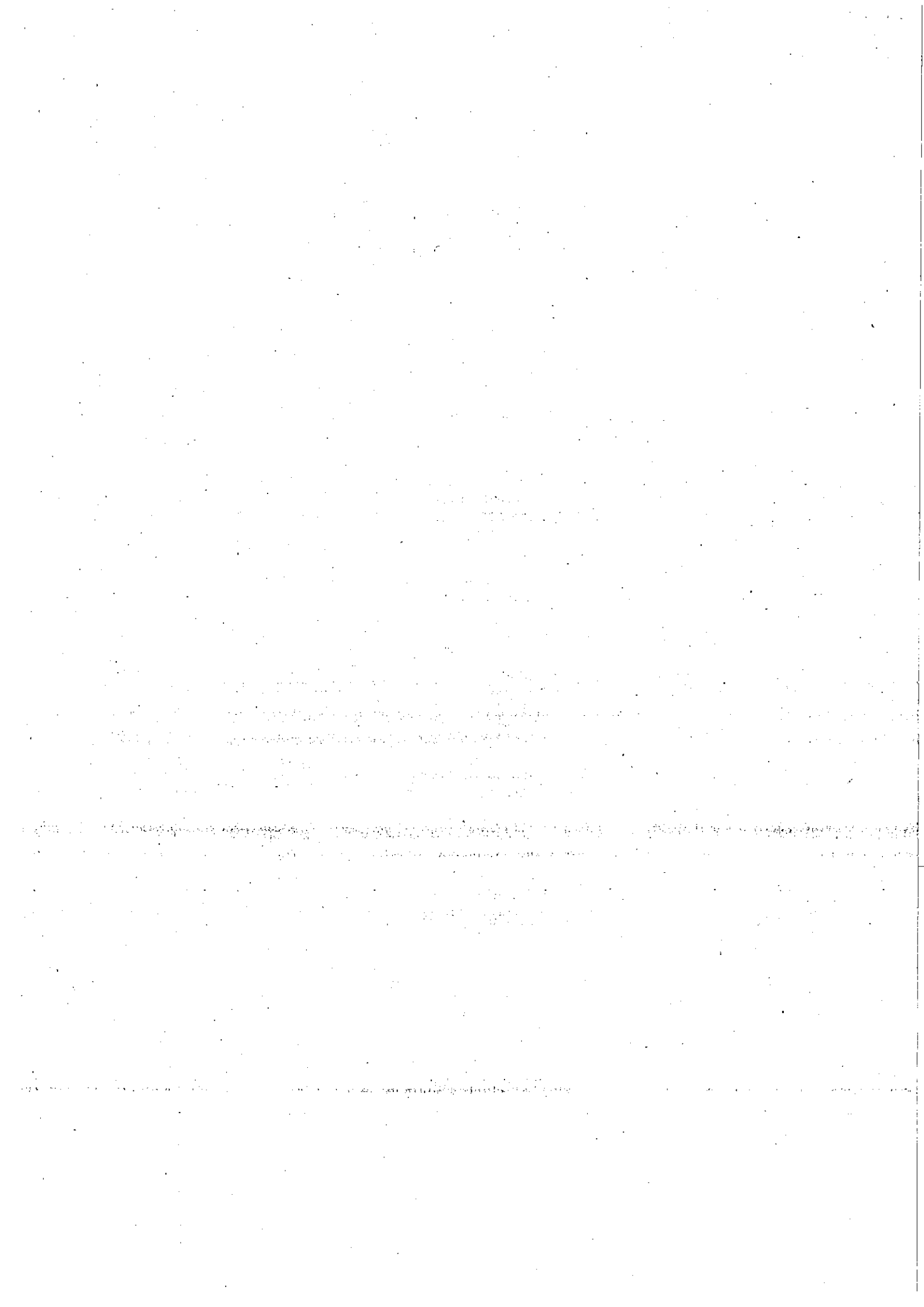
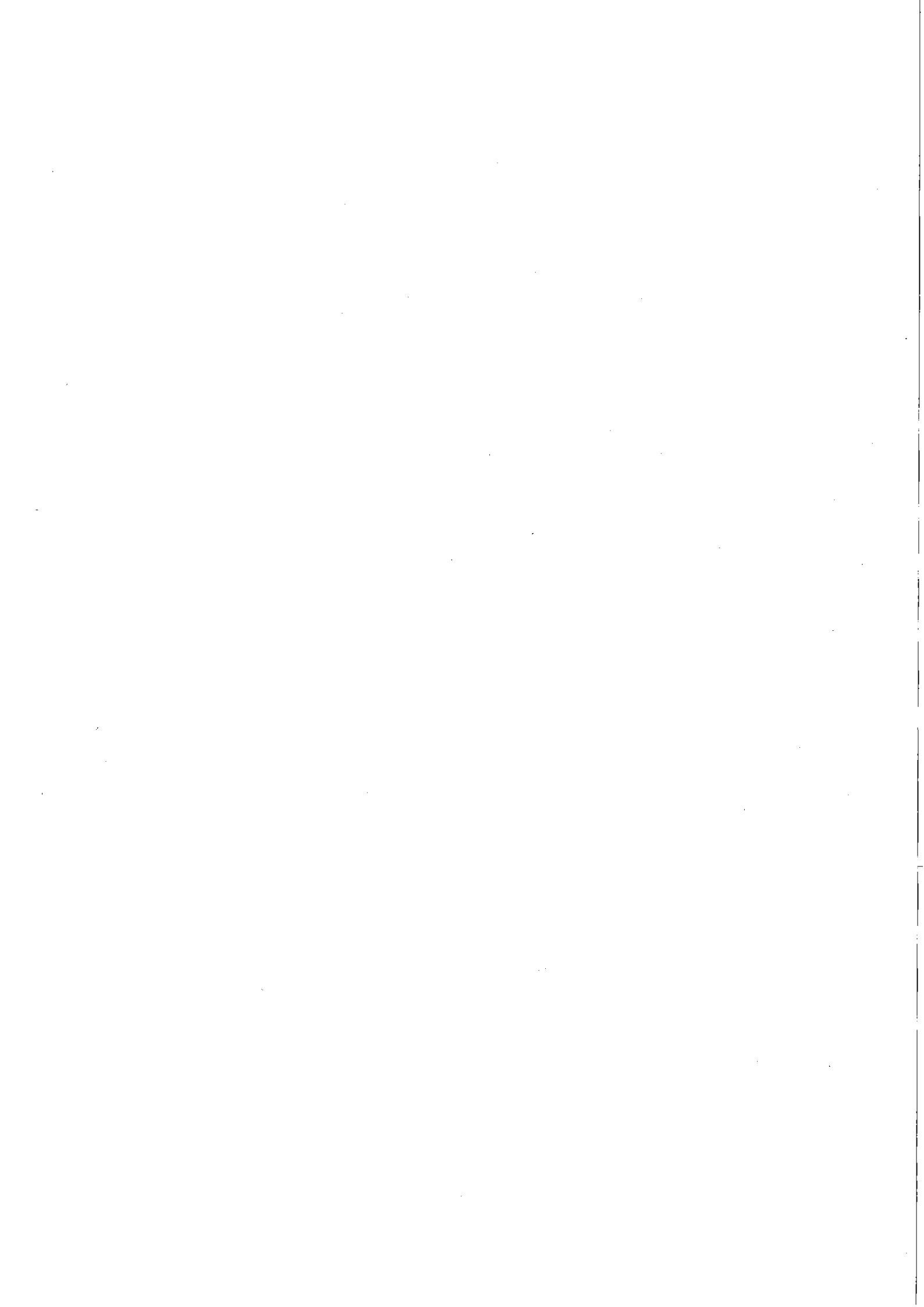


Figure 1: Proposed development works associated with the Aviemore Water Treatment Scheme

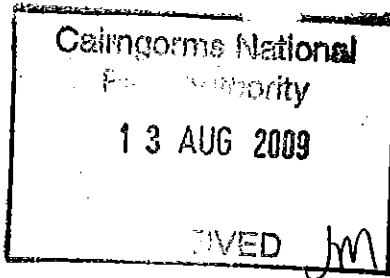


APPENDIX 2

08/400/CP



To: Robert Grant Esq.
CAIRNGORMS NATIONAL PARK AUTHORITY
Albert Memorial Hall
Station Square
BALLATER
Aberdeenshire AB35 5QB



12th August 2009

Dear Robert,

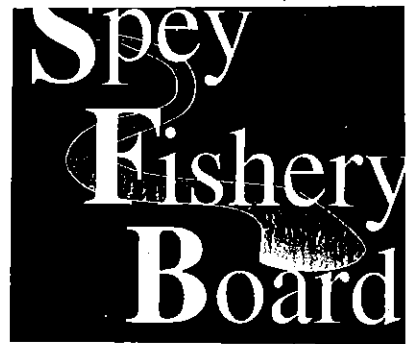
Outstanding Objection - 08/400/CP – The Installation of 4 Boreholes for Groundwater Abstraction, the River Spey, Aviemore

Thank you for your e-mailed letter of 28th July regarding the Spey Fishery Board's outstanding objection to the installation of 4 boreholes adjacent to the River Spey near Aviemore. The Board maintains its objection to this proposed development.

We have seen the CNPA NATURA/RAMSAR Appraisal Report, as well as the advice from SEPA's Hydrology Resources Unit. Naturally some of the information contained in these is not easy for a layman to understand and therefore it is difficult to assess the conclusions reached. You will be aware of how seriously the Board takes the issue of further abstraction and transfer by the fact that, at its own expense, it commissioned the Envirocentre Report into the use of water resources in the Upper Spey which no other responsible body has replicated.

We are concerned that the Park Authority, as curators of one of the UK's largest natural wildernesses, together with SEPA should be considering maintaining the River Spey at "moderate" when the underlying aim of the Water Framework Directive – and the accompanying River Basin Management Plan – is to achieve "Good" status. In their advice to the CNPA, SEPA acknowledge that, "the dominant factor influencing the hydrological characteristics of the Spey at the Wellfield remain the influences caused by the Hydropower activities in the Upper Spey." By their own admission, SEPA describe the Upper Spey as, "influenced by substantial Hydropower Activities upstream" and state that, "the reduced flows result in water bodies in the Upper Spey are classified as heavily modified" (Points 3.9 and 3.10).

The Spey Fishery Board has stocked hatchery-reared Salmon fry above Spey Dam over the last forty years, in order to bolster natural spawning. The Spey Research Trust has also monitored the Salmon smolt output from the Dam using a smolt trap below the compensation out-flow, and compared this against the numbers of fry that have been stocked. It is clear from this research that if stocking above Spey Dam was not undertaken, the smolt output emanating from natural spawning is considerably reduced to a level at which it basically does not happen. The Spey Board believes that the lack of natural spawning above Spey Dam is due to the water flows below the Dam which are insufficient to allow all but a very few returning Salmon to reach – let alone ascend – the fish pass at Spey Dam. Indeed the report by Professor David Gilvear in 2003 (Patterns of Channel Adjustment to Impoundment of the Upper River Spey, Scotland, 1942-2000) indicates that Spey Dam has narrowed the River channel below it and significantly impacted upon the ecology of the River Spey for at least 15km downstream of the Dam. The remedy to this situation – in accordance with our statutory responsibilities as well as the



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requirements of the Water Framework Directive – is one of the Spey Board's current central focuses. So too is a Genetic Analysis project which we expect will identify the different sub-populations of Atlantic Salmon throughout the Spey catchment and indicate their relative strengths and weaknesses. We expect that this project will allow us to target our fishery management more effectively on areas of the catchment where natural spawning has been impacted – in particular the upper Spey, which is the area impacted by the cumulative impacts of water abstraction and diversion and which are under the jurisdiction of the Cairngorms National Park Authority.

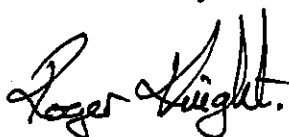
We, and I assume the National Park, are aware of a proposal to transfer more water from the River Tromie to the Tummel Scheme. The amount of water that will be transferred will depend upon the quantity of water required to re-water the River Garry under the application of the Water Framework Directive. We understand that Scottish & Southern Energy propose that the consequent loss of Hydro-Power from that operation will need to be replaced by the transfer of extra water from the River Tromie. At present that is uncertain because there has been no formal application by Scottish & Southern Energy to vary the CAR Licence they have been granted for transfer from Loch-Ant-Seilich. In this uncertain situation nobody can unequivocally conclude what the cumulative impact of the proposed schemes – both the Tromie and the Boreholes – will be.

The Spey Board has continuously taken the view that all of the existing transfers and abstractions in the Upper Spey should be reviewed in the light of additional new schemes being proposed. Two-thirds of the Spey catchment lies within the Cairngorms National Park. The Spey Board believes that the Park Authority should investigate ways to manage the cumulative impacts of these activities to ensure that the effects of further abstraction are mitigated, prior to considering the grant of planning permission for these boreholes. As well as helping to achieve the aims of the WFD, we are confident that this would fit equally well with the Cairngorms Park Plan.

It might be useful to meet to discuss our concerns prior to the consideration of all of this by the Park Authority's Planning Committee and I am copying this letter to Michael Wann in SEPA and Anne Elliott at SNH, both of whom I think should also be part of any such meeting. The Spey Fishery Board also formally requests the opportunity to address the Planning Committee when it considers this application in due course, to explain its position regarding its objection to this application.

With kind regards,

Yours sincerely



Roger Knight
Director

cc. Alan Williams, Chairman
Michael Wann, SEPA, Dingwall
Anne Elliott, SNH, Aviemore

Andrew McCracken Esq.
HIGHLAND COUNCIL PLANNING DEPARTMENT
100 High Street
KINGUSSIE
Inverness-shire PH21 1HY

22nd December 2008

Cairngorms National
Park Authority

24 DEC 2008

RECEIVED JM



www.speyfisheryboard.com

Dear Andrew,

Ref: 08/00276/FULBS: Planning Application for Installation of Boreholes with Associated Site Works at Easter Kinakyle, Aviemore

Thank you for your letter of 4th December inviting us to respond to the above application for the installation of boreholes for ground water abstraction and construction of 4 kiosks, access track and associated site works at Easter Kinakyle. I am writing to inform you that the Spey Fishery Board hereby formally objects to this proposal.

We understand that this application is one of several that will collectively form plans to replace Badenoch & Strathspey's existing water supply from Loch Einich with a new borehole supply adjacent to the River Spey. We have been consulted by SEPA, who have separately received an application for a CAR Licence for the proposed borehole abstraction and we have formally objected to that too. Furthermore, we are concerned that this proposal for the installation of boreholes and associated works 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. To do so would, in the Board's view, make it difficult to put this proposal into context. It would also be potentially dangerous to allow such a proposal to progress on a piecemeal basis, when the cumulative impact of the project as a whole is all the more significant.

The Spey Fishery Board is a Statutory Body charged with the conservation, protection and enhancement of Atlantic Salmon and Sea Trout in the River Spey catchment. Furthermore, and fundamentally, the River Spey is a Special Area of Conservation (SAC) under the EC Directive on the Conservation of Natural Habitats and Wild Fauna and Flora 92/43/EEC (the Habitats Directive) and the Atlantic Salmon is one of the SAC's four designated species within this legislation. The River Spey is, therefore, afforded the very highest level of environmental protection available within the European Union. In addition, it is a Site of Special Scientific Interest (SSSI). We remain concerned that the introduction of boreholes adjacent to the River Spey could place unacceptable negative impacts on the protected species and habitats within the SAC and the SSSI.

We are aware that a number of assessments have been carried out by Scottish Water to determine the potential impacts that this development might have on species within the River. However, the designation of the River Spey as a SAC and SSSI requires that an **Appropriate Assessment** is carried out as stipulated by the **Habitats Directive** to determine the potential adverse impacts of these boreholes upon the ecology of the River Spey. Additionally, a full **Environmental Impact Assessment** will also be required as stipulated by the **EC Directive on Environmental Impact Assessments 85/337/EEC (As Amended)**. We are unaware that these Assessments have been conducted. Once they have been

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completed, we will then require an appropriate period of consultation and consideration of the results of these Assessments before we are in a position to consider withdrawing our objection.

We also remain concerned that Scottish Water are proposing to replace Badenoch & Strathspey's existing gravity-fed water supply from Loch Einich with a new borehole supply adjacent to the River Spey, particularly when this new supply would then have to be pumped uphill for some five kilometres to a storage facility. We recognise that there are financial implications to repairing the pipeline from Loch Einich, as well as environmental considerations relating to the conduct of such repairs in an area subject to the Birds and Habitats Directive. But the SAC status of the River Spey ensures it is no less sensitive than Loch Einich and it should not be treated as a softer option. Furthermore, it appears to us that the operational and maintenance costs of the new proposed supply have not been properly taken into account when considering the financial aspects of the issue. We have been assured that, should this new proposal go ahead, the existing supply from Loch Einich would return to its natural regime. However, we require assurances as to what this will mean in practise with regard to negation of the effects of the borehole abstraction.

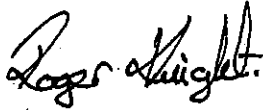
More broadly, our fundamental concern relates to the management of water resources within the River Spey catchment. Historically, water abstractions and diversions have been considered on a case-by-case basis and the Spey Board has been concerned for some time about the existing, high level of water abstraction and diversion throughout the Spey catchment. Now, with increasing demands on finite water resources within the catchment, it is imperative that the cumulative effects of all abstractions and diversions be taken into account in order to avoid adversely impacting upon the SAC, as well as the local economy. We recognise that as this is a new abstraction, SEPA is required to take account of these existing abstractions and diversions before deciding whether to grant a CAR Licence to Scottish Water. But there is also a proposal from Scottish & Southern Energy to reduce the compensation flow down the River Tromie to apparently achieve the objectives of the Water Framework Directive. We are led to believe that this will be a modification of an existing CAR Licence rather than a new Licence application, which might diminish the requirement to consider existing abstractions. But it is imperative that the cumulative effects of this proposal also be taken into account, on top of the already substantial level of water diversion that already exists in the upper Spey catchment, before SEPA and the Highland Council can consider authorising Scottish Water's borehole abstraction near Aviemore.

Last year the Spey Fishery Board engaged specialist consultants (Envirocentre) to report on the likely cumulative effects that all of the abstractions and flow reductions, both existing and proposed, were likely to have on the Spey catchment. Amongst other issues, their conclusions demonstrated that the cumulative impact of these new proposals (from Scottish Water to develop boreholes at Aviemore and from S&SE to reduce the compensation flow down the River Tromie) would equate to an abstraction 1.6 times that of the Dipple Wellfield near Fochabers, but this time in the upper rather than lower reaches of the River Spey with a corresponding impact downstream.

Apart from the ecological impacts that all of these abstractions/flow reductions are likely to have, you should also be aware of the potential economic impact of these proposals. We realise that you have the potential economic impact of a considerable housing development around Aviemore to consider. But a Scottish Executive-sponsored economic survey in 2003 determined that fishing on the River Spey generates some £11.8m per annum for the local economy and is responsible for 367 full time equivalent jobs. The impact on fish migration from reductions in water flow could in turn reduce the numbers of anglers visiting the area to fish the Spey. The

river is a finite resource and additional reductions in its water flow may well jeopardise this important economic input. The importance of this internationally-renowned Salmon River to a fragile rural economy should not be under-estimated. Nor should it be allowed to be undermined by housing development in an area of significant environmental sensitivity.

Yours sincerely



Roger Knight
Director

cc. Alan Williams, Chairman
Eddie Nicol, SEPA, Elgin
→ Neil Stewart, CNPA
Anne Elliott, SNH, Aviemore
Eddie Douglas, Scottish Water Solutions.

