
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: NEIL STEWART, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)

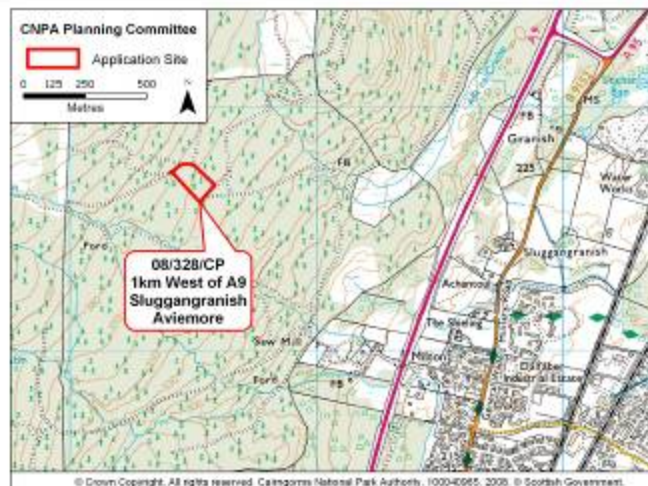
DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR CONSTRUCTION OF CLEAR WATER TANK WITH ASSOCIATED EARTH BUNDING, ACCESS TRACK AND ANCILLARY WORKS, LAND 1km WEST OF A9 AT SLUGGANGRANISH, AVIEMORE

REFERENCE: 08/328/CP

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

DATE CALLED-IN: 3 OCTOBER 2008

RECOMMENDATION: APPROVAL, SUBJECT TO CONDITIONS



SITE DESCRIPTION AND PROPOSAL

1. This planning application is one of three separate but related applications which are currently under consideration by the CNPA. These proposals relate to Scottish Water's upgrade of the current public water supply serving the Badenoch and Strathspey catchment area. This catchment includes all settlements in the area and extends from Cromdale in the north to Newtonmore in the south.
2. This proposal is for the construction of a Clear Water Tank (CWT) and associated works at a site located on the lower slopes of Carn Mor to the west of Slugganranish and the A9, at Aviemore. The other two applications are for a new Water Treatment Works (WTWs) and building, and the installation of boreholes for ground water abstraction, both located at Easter Kinakyle on the south side of Aviemore. These other applications are still under consideration by the CNPA and reports and recommendations will be forthcoming in due course. A fourth component is the installation of a new underground water mains to pump treated water from the proposed WTWs to the CWT, and to direct the stored treated water from the CWT 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 1992 ie. they do not require planning permission.
3. As background, there are three project drivers for the development. These are; 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. In order to achieve the improved water quality, the new WTWs building is required. The provision for increased growth will be addressed by the groundwater abstraction associated with the new boreholes. The security of supply will be achieved through the installation of the new CWT and pipelines.
4. The site of the proposed CWT currently forms part of the wider commercial forestry plantation on the lower slopes of Carn Mor. It can be accessed by an existing forestry track (southern) which leads from the new road under the A9 which serves the new High

Burnside residential development. There is though an alternative access using an existing forest track (northern) served directly off the A9, located to the north east of the site. This runs parallel with the A9 before intersecting with the existing southern track approximately 600m to the east of and below the proposed site. From information received from the applicants, this track has been upgraded by the landowners – Seafield Estate – to accommodate their logging needs. Construction vehicles for the CWT site, will utilise this northern track before joining the southern track. The widths of these tracks, and the open corridor within the forest where they run, will allow for them to be shared by both construction vehicles associated with the CWT, and the construction activities of the underground pipelines, without the need to widen or encroach into the existing forest habitat. Some of the woodland area in the locality is classed as Ancient Woodland. However, the site is not located within this designation. To the west lies the Kinveachy Forest SPA, SSSI and SAC. However, again the site is not located within these designations.



Figs. 2 & 3 Site viewed from the north and west sides



5. The site, which forms a generally rectangular shape of approximately 145m in length and 85m in width, is currently planted up with forestry tree species, predominantly pine. There are some small clearings within the site and directly across the track to the north side is a defined cleared area which has evolved in association with the track and turning areas. The site slopes down in an easterly direction with a ground level drop of approximately 12m over the length.

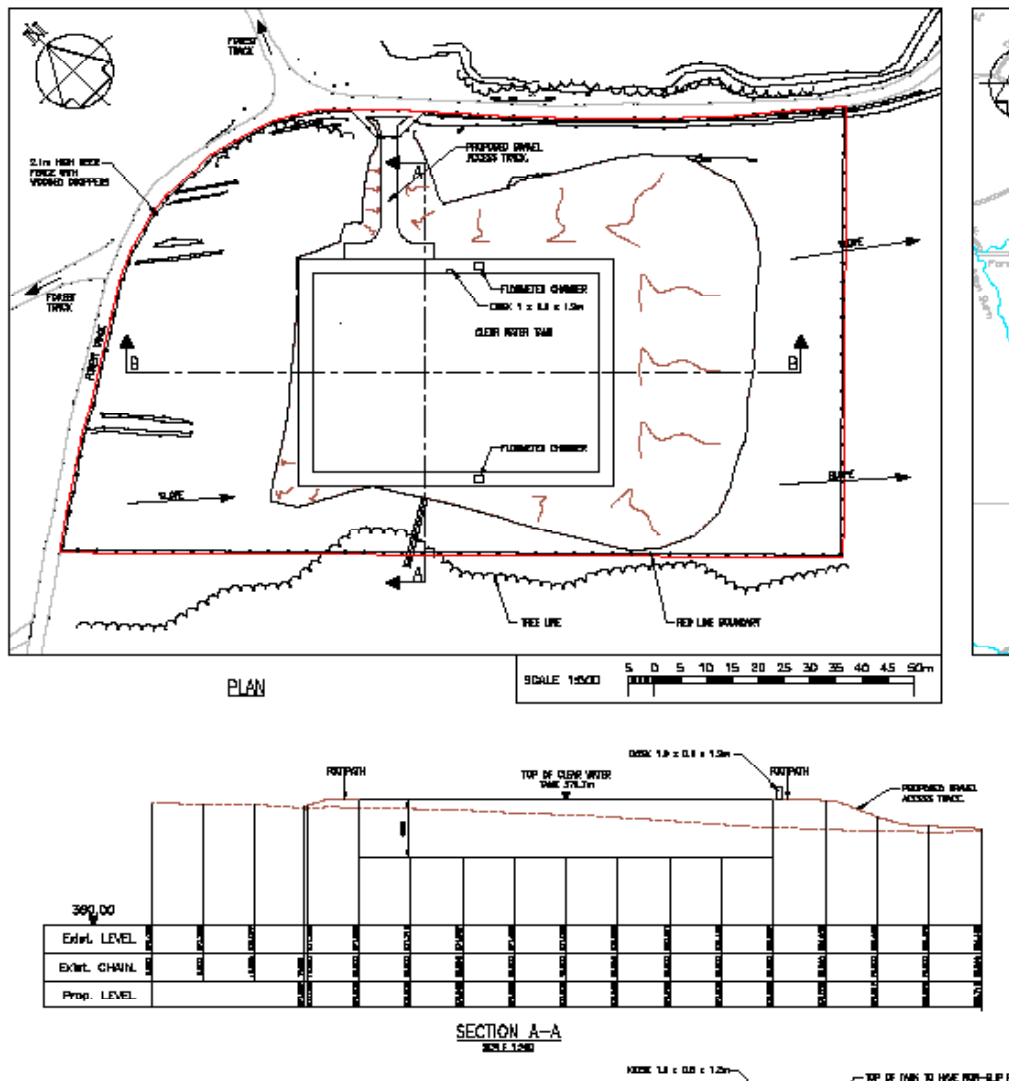


Fig. 4. Site layout and cross section

- The works associated with this proposal, include the construction of a partially buried Clear Water Tank (50m l x 40m w x 6m d) of reinforced concrete. This will hold some 8,500 cubic metres of treated water. There would be earth bunding, using excavated material, to cover the exposed sides of the tank. A brown coloured kiosk is proposed within the compound and a new gravel access (approx. 20m long) from the existing forestry track will serve the tank. Following an amendment, a proposed security fence has been removed from the proposals. The compound will now be bounded by a standard deer fence type

with wooden droopers.



Fig. 5. Aerial View and Proposed Planting Plan

7. To facilitate the development, the majority of the existing trees on the site will be felled. However, following discussions about the impact of this, the applicant has agreed to retain an area of existing woodland in the western corner of the site. Elsewhere within the site, a full tree replanting scheme is proposed.

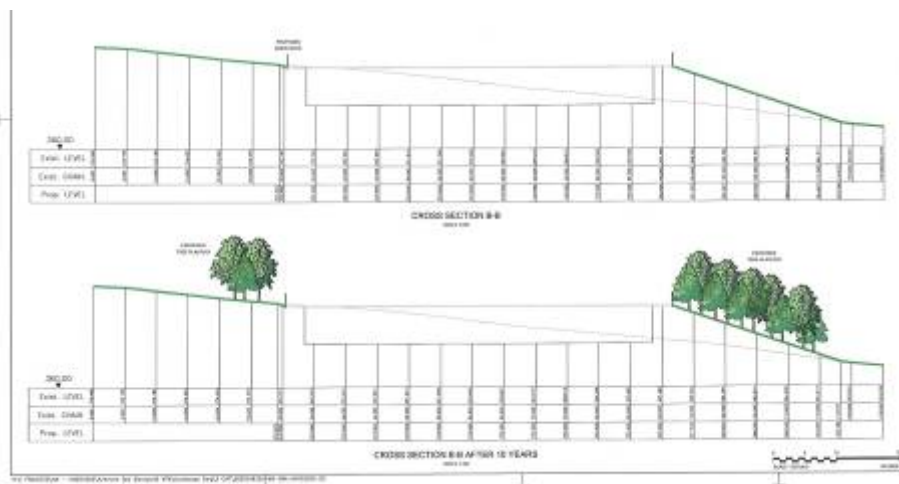


Fig. 6. Sections through the site (including new planting)

DEVELOPMENT PLAN CONTEXT

National Planning Policy

8. **SPP1** 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. It also states that development and conservation are not mutually exclusive objectives and that the aim is to resolve conflicts between the objectives and to manage change.

Highland Council Structure Plan 2001

9. 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. This general support is encompassed in **Policy U3 (Water Supplies)** which seeks to safeguard water resources in terms of volume and quality of water.

Badenoch and Strathspey Local Plan 1997

10. 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. **Policy 2.5.2. (Forestry)** seeks to safeguard established commercial forestry plantations for their value to the economy but encouragement is given to management and felling practices compatible with mixed amenity, conservation and recreational uses of such areas. **Policy 2.5.4. (Woodland and Trees)** seeks to protect existing trees

and established woodland areas which are important landscape, wildlife and amenity features of the countryside.

Cairngorms National Park Plan 2007

11. Strategic objectives for the **Landscape, Built, and Historic Environment** include; maintaining and enhancing the distinctive landscapes across the Park; and ensuring development complements and enhances the landscape character of the Park. Strategic objectives for **Sustainable Use of Resources**, include; all management and development in the Park should seek to make the most sustainable use of natural resources, including water and energy. Strategic objectives for **Forest and Woodland Management**, include; promotion of multi-objective forest and woodland management that delivers environmental, economic and social benefits;

CONSULTATIONS

12. **Highland Council's Area Roads Manager** has no objection providing all related construction traffic enters and leaves the site via the public roads north of the site, thereby avoiding the movement of heavy construction vehicles through the centre of Aviemore.
13. **CNPA's Outdoor Access Officer** has no objection.
14. **Aviemore and Vicinity Community Council**, are pleased to note that the tank will be built into the ground and they trust that it will be as unobtrusive as possible.
15. **SEPA** have stated that there are no details of the proposed surface water drainage for the access track and the tank. Surface water should be drained by SUDS in line with PAN61 (Planning and Sustainable Urban Drainage Systems).
16. **Spey Fisheries Board** formally object to the development. They understand that the proposal is one of several which collectively form plans to replace the Badenoch and Strathspey area's existing water supply from Loch Einich. They have also formally objected to the Scottish Water application to SEPA for a CAR Licence to abstract from the boreholes at Easter Kinakyle. With their responsibilities for the conservation, protection and enhancement of Atlantic Salmon and Sea Trout in the River Spey catchment and taking account of the Spey SAC and SSSI designation, they are concerned that the introduction of

borehole abstraction adjacent to the Spey could place unacceptable negative impacts on the protected species and habitats within the Spey SAC and SSSI. In relation to the CWT proposal, they are concerned that these works may be considered in isolation, rather than in conjunction with the cumulative effects of the other applications that collectively make up Scottish Water's proposals. They believe that it is potentially dangerous to allow such a proposal to progress on a piece-meal basis, when the cumulative impact of the whole project is significant.

17. **Highland Council's Forestry Officer** originally stated that the site is contained within a plantation of Lodgepole and Scots Pine which is around 10m tall. The site itself is rather wet with partly failed Lodgepole Pine. The trees are relatively small but have not been thinned so there are concerns about windblow with the opening up of the site. Retaining a natural, rather than a straight edge to the felling, is necessary to reduce the risk of windblow and to aid visual impacts. There is an opportunity to retain existing tree cover within the site, away from the proposed tank and any engineering operations, but none is shown. There is a lack of a Tree Protection Plan in line with BS:5837. Landscaping planting proposals are welcomed. In conclusion, there is no objection in principle but there are some concerns which need to be addressed. Following receipt of amendments, **Highland Council's Forestry Officer** now advises that he welcomes the retention of a greater degree of existing tree cover on the west side and that the east and south edges of the felling will be feathered. He acknowledges that there is a need for a temporary construction compound and that this requires tree felling within the site but he does still though wonder why the open area to the north of the site cannot be used for this purpose. He is content to accept the submission of the Tree Protection Plan by the imposition of a condition. He has no objections to the planting proposals but would prefer Scots Pine rather than Lodgepole Pine. He concludes by stating that he does not object to the proposal, subject to imposition of conditions relating to the Tree Protection Plan and retention of the trees marked on the plan.
18. The **CNPA's Heritage and Land Management Group** originally stated that over 1Ha of woodland cover would be removed and it is characterised by a semi-natural appearance. It was not clear why so many trees needed to be felled only to be replaced by new planting. There was also concern about the potential for a need to widen the access track serving the site. In relation to species, a red squirrel survey and information on

capercaillie activity was requested. The Kinveachy SPA is located approximately 330m away from the site with one of its qualifying features being capercaillie. The development would see a reduction in pinewood habitat, the erection of a fence, as well as noisy construction activities, all of which could impact on capercaillie in the area. SNH need to be consulted. Given the nature of the site, there may be impacts on some typical pinewood species – wood ants and twinflower and surveys are required. Any replacement tree planting should be adequately replaced with a mixture of native species, using local origin stock. Care should be taken to avoid the spread of invasive, non-native plant species during the construction activities and any associated soil moving or importation. From a landscape point of view, the original response also questioned the need to effectively clear fell the site. Retention of existing tree growth is very desirable as this would ameliorate the visual impact by providing some semi-natural planting in situ.

19. On receipt of the requested squirrel, wood ant and twinflower surveys, and amended landscaping and fencing plans, the **CNPA's Heritage and Land Management Group** have advised that they are satisfied that, so far as can be determined, there are no squirrel dreys or rare pinewood plant species evident on the site. The consultant's ecological survey notes evidence of the nearby presence of capercaillie. In line with the consultant's recommendation, no construction activities should take place from April 1st to June 15th so as to avoid disturbing capercaillie at the nesting time when they are most susceptible. The amended fence design will reduce the risk of collision. Evidence of wood ant nests were found within 20m of the proposed access track (and therefore pipeline route) but none were found on the site. The nests are not those of the rare and protected narrow headed ant species and are therefore not legally protected. If the nests found are under threat from any access or pipeline works, it would be beneficial for the applicant's to seek specialist advice on how these could be successfully and safely translocated. In terms of landscape impact, the revised proposal, which includes retention of existing trees on the west side is welcomed. Subject to some further amendments in the proportion of broadleaves in the replanting scheme, and in the maintenance schedule, there are now no concerns.
20. **SNH** have confirmed that the site lies outwith but within approximately 330m of the Kinveachy Forest SAC and SPA boundary. The ecological surveys though demonstrate that there is no evidence of European Protected Species using the site and there are no likely impacts on any other qualifying

features. However, in relation to capercaillie, they support the use of the marked deer fence around the compound and recommend that this is implemented. Kinveachy Forest SSSI is also located within the same proximity but it is considered that the proposal will not have any impacts on the native pinewood of the SSSI nor on its population of woodland and moorland breeding birds. To conclude SNH have no objections to the proposal.

REPRESENTATIONS

21. There are no representations from third parties. However, as described in paragraph 16 above, the **Spey Fisheries Board** has lodged a formal objection. This is copied for the Committee's consideration.

APPRAISAL

Principle and Interdependence of Development Components

22. The development of the Clear Water Tank proposal represents an integral 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, and detailed studies into potential options, is to deliver a fully integrated scheme within the next investment period (2006-2010). This has resulted in the proposal for the 4 components now currently being considered – borehole abstraction, new water treatment works, new pipeline (permitted development) and the clear water tank. However, as previously stated, these other elements are still under consideration, and will be the subject of forthcoming reports and recommendations.
23. While it would be preferable to consider all the applications at one time, the applicants wish to be able to move forward with the individual discrete components as quickly as possible. In this respect, and because the components have been submitted as

individual applications, it is possible, procedurally, to consider the CWT proposal in advance of the others.

24. However, you will note the objection from the Spey Fisheries Board. Their concern is that the project should be seen as a whole and that concerns they have over the borehole abstraction element, and the potential impact on the Spey, should be considered in the wider context of all the project components. In effect, they feel that by considering the CWT element in isolation, it may prejudice the outcome of the others. This concern is a valid one and one which we are obliged to consider.
25. In this respect, additional information was requested from the applicants on the interdependency of the various components. Members will be aware of the Information Only Briefing Note from Scottish Water, that was circulated to you, following your request for information, in advance of this report. It is clear from this submission, that even if after detailed assessment, the borehole abstraction element at Easter Kinakyle, is not supported, and does not go ahead, Scottish Water would still pursue the upgrading of the treatment of the raw water resource from Loch Einich, by seeking to replace the existing Blackpark infrastructure, with the new water treatment works at Easter Kinakyle. Even if this was unsuccessful, the current problems with the security of treated water supply for the Aviemore catchment area, will only be addressed by the construction of the CWT. The CWT will therefore still need to be constructed, whatever changes are made to the source and treatment of the raw water. So, even if the raw water source remains at Loch Einich and the water treatment process remains at Blackpark, the new CWT will be required to serve the needs of the Aviemore community. In addition, the upgrading of the water mains associated with the Aviemore scheme, between the treatment works and the CWT, will take place whether the raw water source is Loch Einich or Easter Kinakyle, and whether the treatment process is at Blackpark or at Easter Kinakyle.
26. My conclusion on this issue is therefore that, while related to the wider project, there is also an element of independence to the CWT proposal. Providing all other matters relating to the development are considered to be acceptable, there are no strong planning reasons which would justify delaying the determination of this CWT application.
27. In terms of the principle of the development, there is general support in planning policy contained within the Structure and

Local Plans, for improving the security, quality and quantity of the public water infrastructure in this part of the Park. This will improve 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. Indeed, the potential increase in the quantity of supply is considered to be an important aspect in the delivery of the aspirations of the forthcoming CNP Local Plan.

Natural Heritage and Landscape Impacts

28. With the site being located in a woodland area, issues relating to potential impacts on trees, habitats and species have arisen. The site is not the subject of any natural heritage designations and the woodland is essentially a commercial plantation. Nevertheless, with the potential removal of woodland and fairly significant engineering operations associated with the development, it has been important to ensure that the proposal does not have any adverse impacts on the wider natural heritage of the area and protected species. In this respect, surveys and additional information for red squirrel, twinflower, wood ant nests and capercaillie were requested and received. As discussed in the consultation responses from SNH and the CNPA's Heritage and Land Management Group, no evidence of squirrels, twinflower, wood ant nests or capercaillie were found on the site. Some wood ant nests were found though in proximity to the access track serving the site. However, these are not related to the protected narrow headed wood ant. There are no proposals to widen the track (even if there were, being associated with the installation of the pipelines, it would be classed as Permitted Development under Class 8 of the GPDO 1992) and therefore these wood ant nests should not be affected. Nevertheless, it would be beneficial to provide an advice note on any planning permission, suggesting that specialist advice be sought on the potential to translocate these nests. In relation to capercaillie, the Kinveachy SPA is located nearby. However SNH have no objection to the proposal, on the basis that the proposed marked deer fence around the compound is implemented as the approved boundary enclosure. Bearing in mind the ecological consultants recommendation, it would also be advisable to impose a condition ensuring that no construction takes place within the short nesting period for the capercaillie (April to June).

29. In relation to landscape impact, it is clear that the character of this woodland will be changed in this location and that the felling of trees will create a visual gap in the woodland cover which may be seen, albeit at a distance, from areas to the east. However, this gap will be seen in the wider context of the extensive woodland cover that exists on the east facing slopes above Aviemore. The actual amount of woodland cover removed will be a small percentage of the total cover in the area. In addition, the applicants have agreed to retain an area of existing tree cover within the site to the west side, and an extensive tree replanting plan is proposed elsewhere within the site boundaries. The tank is to be partially buried and there are no significant above ground structures. Subject to some minor amendments to the details of the replanting scheme, the CNPA's Landscape Officer has no objections to the proposal.

Conclusion

30. While the development of the CWT 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, as an independent infrastructure project, in its own right. I therefore do not consider that the granting of a planning permission for this development prejudices the future consideration and determination of the other proposed elements of the water upgrade scheme. There are no significant impacts on natural heritage and landscape interests, and there are no planning policy contraventions.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

31. The development is not considered to have any adverse implications for this aim.

Promote Sustainable Use of Natural Resources

32. The development will result in an improved quality and a more sustainable provision of, water supply.

Promote Understanding and Enjoyment

33. The development raises no issues of significance for this aim.

Promote Sustainable Economic and Social Development

34. The development, as part of a larger scheme but also as an independent project, will improve the security, quality and quantity of the supply of public water for a significant part of the Park. In this respect, it will facilitate growth and improve general life standards. The development is therefore considered to be positive for this aim.

RECOMMENDATION

35. That Members of the Committee agree a recommendation to:

GRANT, Full Planning Permission for the Construction of a New Clear Water Tank with Associated Earth Bunding, Access Track and Ancillary Works, Land 1KM West of A9, at Slugganranish, Aviemore, 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.
2. Prior to the commencement of development, the developer shall submit full working details, including drawings, of the method of on-site disposal of surface water drainage. This shall be in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland, CIRIA C521 2000, to the satisfaction of the CNPA acting as Planning Authority in consultation with the Scottish Environment Protection Agency.
3. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, all construction traffic associated with the construction of the clear water tank development hereby approved, shall access the site by the existing forestry track indicated on the approved plan drawing no. 5000349255-WR-DRA-04000722-01 and titled Construction Access. At no time shall construction traffic use any other route.
4. Prior to the commencement of works on site, a detailed Tree Protection Plan, in line with the requirements of BS:5837 (Trees in Relation to Construction) shall be submitted for the further written approval of the CNPA acting as Planning Authority. This Plan shall detail all areas of trees to be retained and removed, and shall indicate all measures for the protection of the retained trees from damage during the construction phase. For the avoidance of doubt, all retained trees shall be protected by Heras type fencing, fixed to the ground outwith the root protection area and crown spread. The location of fencing shall be established

in advance of development commencing and shall be shown on a plan of the site.

5. From the date of this planning permission, and unless otherwise agreed in writing with the CNPA acting as Planning Authority, no trees on the site other than those marked for removal on the Tree Protection Plan required by Condition No. 4 above, shall be uprooted, lopped, topped or felled.
6. The development shall be landscaped and maintained in accordance with the approved tree replanting scheme, (subject to some amendments which shall be submitted for the further written approval of the CNPA acting as Planning Authority prior to the implementation of the planting). Completion of the scheme shall be during the first planting season following the completion of the development, or such other date as may be approved in writing with the CNPA acting as Planning Authority.
7. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, no construction activities in association with the construction of the clear water tank development hereby approved, shall take place between the months of April to June in any given year.
8. At a date no later than one month from the completion of all other construction works associated with the development hereby approved, the marked deer fencing around the compound, as shown on approved drawings 5000349255-WR-DRA-04000720-03 (Site Layout) and 5XXXXXXXXX-CO-DRA-04007102, (High Tensile Strained Wire deer Fence), shall be erected and thereafter maintained.

Neil Stewart

28 January 2008

planning@cairngorms.co.uk