CAIRNGORMS NATIONAL PARK AUTHORITY

Title: **REPORT ON CALLED-IN PLANNING APPLICATION**

Prepared by: **MARY GRIER, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: **FULL PLANNING PERMISSION FOR THE INSTALLATION OF WATER TREATMENT WORKS BUILDING, ASSOCIATED SITE WORKS AND CONSTRUCTION ACCESS ROAD ON LAND BETWEEN B9152 AND RAILWAY LINE AT EASTER KINAKYLE, AVIEMORE.**

REFERENCE: **08/329/CP**

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

DATE CALLED-IN: **3rd OCTOBER 2008**

RECOMMENDATION: **GRANT WITH CONDITIONS**

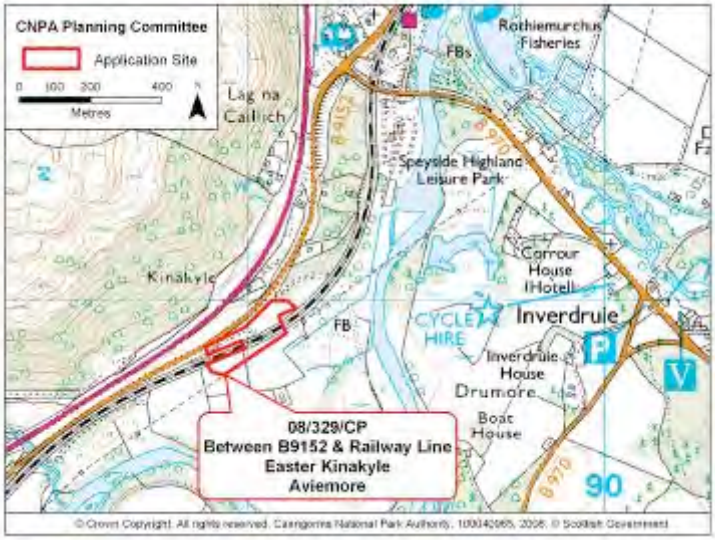

Fig. 1 : Site location plan

SITE DESCRIPTION AND PROPOSAL

1. This planning application is one of three separate but related applications made by Scottish Water in connection with their proposals to upgrade 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. Full planning permission was sought in CNPA planning ref. no. 08/328/CP for the construction of a Clear Water Tank (CWT) and associated works 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. In addition to this current application, the other application which is currently with the CNPA for consideration is for the installation of boreholes for ground water abstraction (CNPA planning ref. no. 08/400/CP refers). A further additional 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 i.e. they do not require planning permission.

2. Full planning permission is being sought in this current application for the installation of a water treatment works building, associated site works and the construction of an access road. The works are proposed at Easter Kinakyle, which is a short distance to the south of Aviemore. The land on which the development is proposed is between the B9152 public road to the west, and the railway line to the east. The site is an elongated form, extending on a south west to north east axis. It comprises a mixture of pasture land and woodland, with silver birch being the predominant species. Access to the site would be gained via an existing access point off the B9152 public road, from where an existing rough track leads to a private railway crossing. Improvement works are proposed to the access as part of this application, at its junction with the public road and also extending into the site.

Fig. 2 : Access from B9152

Fig. 3 : Access leading to railway crossing

3. The improved access track would extend approximately 125 metres into the site, to a point where it is proposed to erect entrance gates and fencing. The majority of the proposed development would occur inside the fenced area, with the most significant aspect of this being the water treatment works building. The building footprint is approximately 58.5 metres x 17.5 metres and over the most part extends to a height of 6.5 metres. The structure also includes a higher section, extending to 9 metres, towards the rear of the building. The increased height at the rear of the building is required to accommodate lime silos. The structure has a standard industrial appearance, with finishes consisting of white rendered blockwork on the lower part of the building (1/4 height), with profile sheeting proposed on the upper sections. The roof is also proposed to have the same cladding finish, although the applicants are willing to consider an alternative roof finish if required. The drawings originally submitted indicated that the profile sheeting would be a 'flint grey' colour. However, in response to concerns raised in the course of assessing the proposal, the applicants have indicated that they would be amenable to using an alternative colour and have suggested that muted colours such as brown or green have previously been used on other buildings. The building design includes various openings on all four elevations, with six of the openings capable required to be of a size that can accommodate large articulated vehicles (through roller shutter doors). Security requirements preclude the use of windows along the walls and a series of roof lights are proposed as an alternative means of natural light provision. The final layout and number of rooflights would be agreed with the planning authority.

Fig. 4 : looking towards the area in which the external tank (left of photo) and WTW building (centre right of photo) are proposed

4. An external concrete tank is proposed to the rear (north west) of the WTW building. The is rectangular in shape and would occupy an area of approximately 27.5 metres x 8.8 metres. The tank would have a depth of 4.5 metres. The top and sides of the tank would have a non slip finish water proofing membrane, with black or grey being the colour suggested by the applicants. A set of access steps would be positioned on the north eastern side of the tank and a tubular steel handrail would run along the top of the tank. The WTW building and the tank are proposed to be sited at the same ground level (212.5 metres) which would necessitate some excavation work.

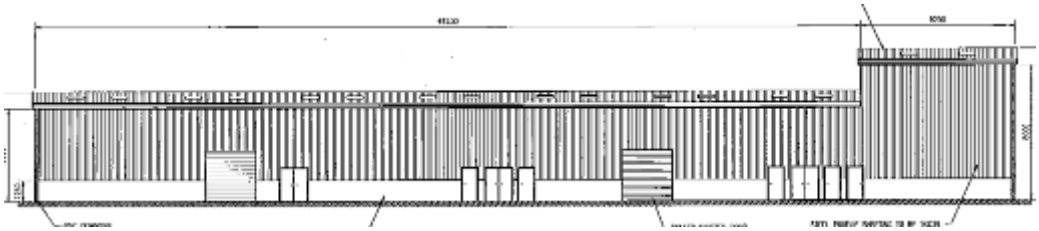

Fig. 5 : Proposed WTW building

5. A standby generator and fuel tank are proposed to be positioned to the front of the WTW building. Both are relatively small structures. The generator would be housed within an acoustic enclosure, measuring 5 metres x 2.5 metres. The proposed fuel tank building is 2.5m (h) x 5m (w) x 3.5m (b). A concrete hard standing area would be created to the rear of the two structures. An underground oil interceptor tank would also be developed in the vicinity. The final aspect of the development is in the north eastern area of the site, where Wastestream Treatment Wetlands were originally proposed. However in response to concerns raised regarding the potential impact of this aspect of the development on an archaeological site in the vicinity, the proposed wetlands have been replaced with a smaller structure containing Wastestream Sand Filters, which would carry out the same function. The Wastestream Sand Filters are located outwith the accepted boundary of the archaeological site. In addition to protecting the archaeological site, the revised proposal would also allow for the retention of an increased number of native birch trees in the north eastern part of the site.

Supporting Information

6. In response to concerns raised during the assessment of the application regarding the scale and prominence of the proposed WTW building, the applicants have provided justification for the siting and design. The height of the WTW building has been determined by various technical constraints outwith Scottish Water's control.[1] The equipment which would ultimately be housed within the building necessitates the building footprint proposed, as

[1] Constraints include European Union legislation, health and safety legislation and also hydraulic design constraints which preclude the burying of the proposed infrastructure below ground. The equipment which would ultimately be housed within the building[1] necessitates the building footprint proposed, as well as the 5 metre height, and in addition a raised section of roof which would also be 2.5 metres higher in order to accommodate lime silos.

well as the 5 metre height, and in addition the raised section, which would be 2.5 metres higher is also essential in order to accommodate lime silos. Having regard to the size and height requirements for the building, it is stated that Scottish Water have sought to design a building that reflects the form and appearance of a modern agricultural building in order to sit more comfortably in its rural setting. The building roof has been designed with a shallow grade to avoid jarring angles and lower the profile of the building, in order to minimise the visual impact.

7. In terms of the specific location of the building on the site, the applicants refer to a requirement to ensure that it is in a position which facilitates the retention of separate vehicle access to the level crossing as this needs to be maintained for the landowner. In addition the building has been placed "as close to parallel to the existing embankments as was practical to lower the visual impact from the road." Scottish Water also suggest that this orientation also exposes the smallest surfaces to oncoming observers from both the road and the railway.

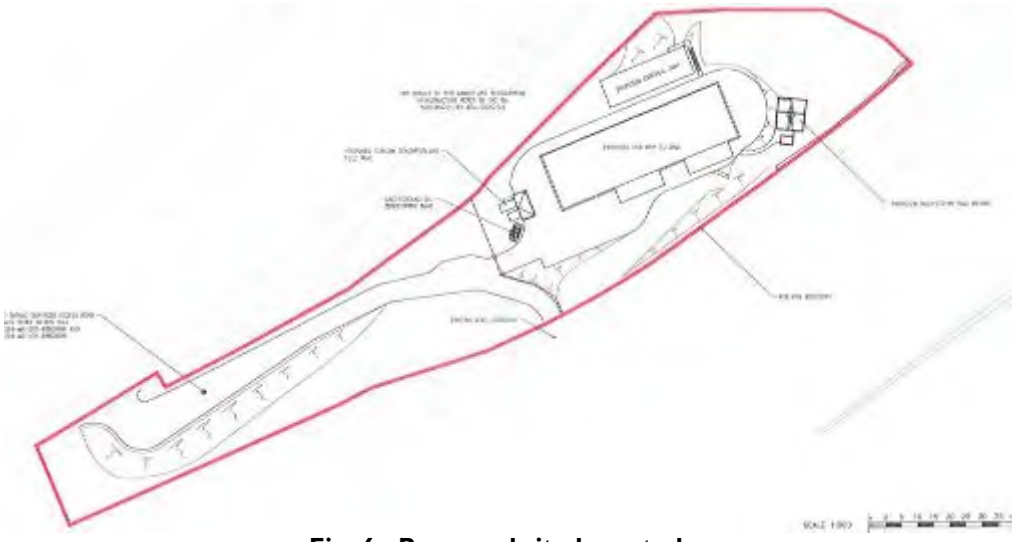

Fig. 6 : Proposed site layout plan

8. In supporting information submitted to the CNPA in March 2009, Scottish Water acknowledge that although the size and scale of the building are dictated by technical requirements, the external building finish could be further altered without impacting on the operational efficiency of the water treatment infrastructure housed within the building. The applicants are amenable to further changes to the external appearance in the event that amendments are considered appropriate or necessary. Scottish Water has indicated that the following amendments would be acceptable : -

- External colours – maintaining use of the proposed materials (blockwork wall and profile steel cladding) but finished in different external colours;
- Fully clad profile steel – the external walls would be fully clad, with the dado height block wall inside the external cladding;
- Wood effect façade – the use of wood effect cladding which would fit directly onto the steel portal frame. Again the block wall would be contained inside the external cladding;

- Wet dash blockwork – a steel portal frame would be required, with an external blockwork finish;
- Timber cladding –timber cladding would be attached to the steel portal frame of the block work wall. The use of timber cladding would incur extra cost, in addition to the on going costs for maintenance purposes;
- Green roof – this could be used on either a blockwork or profile steel clad structure, and essentially is a roof with planting on it. The most appropriate lowest maintenance option is sedum. The green roof system would require maintenance once or twice a year, including the removal of grass and clearing outlets and the annual application of fertiliser.

9. Comment has also been made in the supporting information on the amended proposals that have been put forward to minimise the impact of the development on the cultural heritage of the area (please refer to paragraph 5). Scottish Water note that the existing structures associated with the archaeological area are currently buried and have also confirmed that there would be no encroachment into the recognised archaeological area. As part of a potential enhancement of the archaeological site the applicants have indicated that they would be willing to fence off the area and facilitate pedestrian access to the archaeological site. Scottish Water also state in their supporting information that "it is anticipated that there will be an archaeological watching brief employed to work in conjunction with the construction operation."

10. Information has also been provided on the intended route for construction traffic to the site. In order to minimise the impact of traffic on the centre of Aviemore, all construction traffic would be required to enter the Kinakyle site from the south, thereby avoiding the centre of Aviemore. Construction vehicles travelling from Inverness would be required to exit the A9 on the southern exit road to Aviemore, and would be prohibited from using the northern exit.

11. Scottish Water acknowledge in the Method Statement that continuous use of a particular road by construction traffic has the potential to result in the deterioration of the surface, but suggest that deterioration will not occur on the B9152 during the construction of the Water Treatment Works, as various control measures would be implemented. Measures include undertaking pre and post photographic surveys; avoiding mud being deposited on the road (a bankman would be employed to manage access into the site and remove any localised mud deposits, and a lorry mounted brush would also be available in the event of more extensive road cleaning being required); lorries containing quarry product deliveries will require to be sheeted; and a water bowser will be utilised for the dampening down of surfaces when required.

12. The Method Statement also includes details of the proposed working hours during the construction phase. Monday to Friday working would generally occur between 07:30 and 18:00, while construction activity on Saturday

would be curtailed to the hours of 07:30 to 13:00. Some reference has been made to the possible need to extend summer working hours to 19:00 in order to maximise daylight and weather conditions.

13. In response to queries raised by the CNPA's **Heritage and Land Management Group** a red squirrel survey was undertaken.[2] No squirrels or feeding signs were observed on the site, and no squirrel dreys were found. The woodlands are not considered to represent significant habitats for squirrel foraging or shelter. As a result any tree loss at the site is not considered likely to significantly impact on the ability of the surrounding woodland to act as a corridor for long distance Red Squirrel movements.

Background

14. Some background to the overall proposals has already been provided in the course of the previously determined planning application for the clear water tank. 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 building which is the subject of this application is required in order to achieve improved water quality. The provision for increased growth would be addressed by the groundwater abstraction associated with the proposed new boreholes, 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.

DEVELOPMENT PLAN CONTEXT

National Planning Policy

15. **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

16. 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

[2] The red squirrel survey was undertaken by SAC Conservation Services.

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

17. 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

18. 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

19. A number of consultation responses have been received from **SEPA** in the course of this application assessment, dealing with differing issues. **SEPA** initially objected to the proposal on flood risk grounds.[3] 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-04001530-01, dated 12 February 2009) is implemented prior to the commencement of development of the proposed works. In a subsequent consultation response, received on 12 June 2009, the issue of surface water drainage was also discussed, with **SEPA** confirming that the surface water

[3] SEPA objected to the development proposal on the grounds that it may place buildings and persons at flood risk contrary to the provisions of national planning policy guidance and advice, with particular regard to SPP7 and PAN69.

drainage proposals are acceptable in terms of water quality as it provides the required level of treatment for surface water run-off.

20. The proposal has been considered by the **Transport, Environment and Community (TEC) Services** section of Highland Council and an extensive schedule of conditions have been recommended for inclusion in the event of the granting of planning permission. Conditions include ensuring that the access to the site is of a sufficient size to enable large vehicles to safely enter and exit the site without causing damage to the public road or causing undue interference with the safety and free flow of traffic on the road; gradient requirements on the access road; the achievement of visibility splays; a requirement to undertake pre and post construction surveys to record the condition of the B9152 public road opposite the site access; and the provision of sufficient temporary and permanent parking and manoeuvring space on the site.

21. **Aviemore and Vicinity Community Council** considered the proposal and expressed concern regarding the originally proposed flint grey colour of the building. It is suggested that a colour that would more appropriately blend in with the environment and would help to diminish the adverse impact of the building should be considered. Concern has also been raised regarding the originally submitted photomontage, which the Community Council consider were taken from a position from which the works would rarely be seen. It is also questioned why the proposed building needs to be so high.

Fig. 7 : Photomontage, showing proposed WTW building from railway line, at Year 5, post construction.

22. In response to the concerns raised by **Aviemore and Vicinity Community Council** the applicants have indicated that they would be prepared to apply an alternative colour to the walls and roof of the building, to the satisfaction of the CNPA. Scottish Water has referred to the fact that they have in the past used muted colours such as green or brown. In terms of the concern raised by the Community Council in respect of the height of the proposed building, the applicants have clarified that this has been determined by various factors outside the control of Scottish Water, with constraints including European Union legislation, health and safety legislation and also hydraulic design constraints which preclude the burying of the proposed infrastructure below ground. The equipment which would ultimately be housed within the building[4] necessitates the building footprint

[4] Ultra-filtration membrane plant; hypochlorite dosing (disinfection); lime dosing (pH correction); and orthophosphoric dosing (to prevent lead coming out of old pipes).

proposed, as well as the 5 metre height, and in addition a raised section of roof which would also be 2.5 metres higher in order to accommodate lime silos. Revised photomontages have also been submitted, as well as additional details regarding proposed landscaping measures.

23. Having regard to the proximity of the railway line, **Network Rail** was consulted. There is no objection to the proposal, although a number of issues have been raised. It is noted that the new 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.

24. **Network Rail** has also expressed some concern that the originally 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 suggest that the height restrictions be conditioned as part of any grant of approval.

25. **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. **SNH** also advise that comments are restricted to this current planning application and are made without prejudice to any further applications that may be made on other parts of this project.

26. **SNH** has no objection to the proposal. 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 accepted on the basis of the surveys provided with the planning application that no evidence was found of European Protected Species using the proposed site and there is not therefore a need for further consideration.

27. 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. The development is approximately 130 metres away from the River Spey at its closest point. There should not be any pollution from

the works which would affect the river, as the proposed site is a field with some woodland, and there are no streams or ditches linking the site to the river.

28. A consultation response was also received from the **Spey Fishery Board**. The 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 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 that the Water Treatment 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." 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." The consultation response also includes a copy of a letter sent from the Spey Fishery Board to SEPA in response to an invitation to make representations on an application for authorisation of an abstraction under the CAR Regulations, in which the Spey Fishery Board formally object to the proposal.

29. Highland Council's **Archaeology Unit** has considered the proposal and the archaeologist also met with on site with representatives of Scottish Water Solutions. The archaeological evaluation which was carried out in advance of the submission of the planning application in which it was noted that the area contains the remains of a former township that is at least 250 years old and likely to be of Regional importance. Concern was initially expressed by the **Archaeology Unit** that the proposals appeared to impact on the south western end of the township, which includes the best preserved structure (a multi phase threshing barn and stone-built corn drying kiln, complete with slate floor). As detailed in paragraph 5, in response to concerns raised regarding the potential impact of this aspect of the development on the archaeological remains the wetland system proposed in that area has been replaced with a smaller structure containing Wastestream Sand Filters, which would carry out the same function. The Wastestream Sand Filters are located outwith the accepted boundary of the archaeological site.

30. The **Archaeology Unit** accept that the area of land available for a temporary site compound during construction activity is restricted. The proposals to locate the temporary site compound where the remains of the historic township survive is considered acceptable provided that the site is returned to its current condition afterwards. In order to regulate this, a method statement and detailed proposals for the restoration are required to

be agreed with the CNPA acting as Planning Authority, as well Highland Council's **Archaeology Unit** in advance of any works taking place. The proposals are expected to involve laying a geotextile and then importing fill to raise and level the area. An archaeologist would be required to be present to mark out the sensitive area and monitor the initial laying of geotextile. On completion all fill would be removed, ensuring that the original ground was not damaged, and that the geotextile would be scraped and lifted by hand as it becomes exposed.

31. The response from the **Archaeology Unit** also recommends that Structure A (as the best preserved structure on the site) is not included in the temporary compound area. In the event that any impact is likely to occur, an archaeological excavation of the structure would be required in advance. It is expected that upon completion of the construction that the historic site would be returned to its current condition and that there should be no permanent fences separating any of the structures from the rest of the township. It is also noted in the consultation response that there may be scope for protective action to be taken against rabbit burrowing damage to the remains of the turf buildings.

32. There is no objection to the application from the CNPA's **Visitor Services and Recreation Group**, who considered the proposal from the perspective of access.

33. A detailed consultation response has been received from the CNPA's **Heritage and Land Management Group.** Firstly in terms of the ecology of the area, the response considers the impacts on habitats and the impacts on species. The site is considered to be of relatively low ecological value. The issue of breeding wading birds was raised in an initial screening report. However, following consideration of the proposal, the ecology officer has concluded that it is unlikely that the development would have a significant impact on breeding wading birds. It is however noted that an area of native birch woodland would be felled at the north eastern end of the site, although the area of lost woodland would be partly replaced with screen planting. Reference is also made in the consultation response to legislation protecting breeding birds and it is recommended in order to ensure compliance with legal requirements, that felling should not be undertaken during the recognised breeding period between March and August (inclusive).

34. Comment is also offered in the report from the **Heritage and Land Management Group** on enhancement measures. In terms of habitat, it is conceded that the amount of screen planting that is proposed will more than offset the amount of native woodland that would be removed by the development. It is recommended that the screen planting should be composed of only native tree species, as opposed to the initial proposal which included several species non native to Strathspey.[5] From a landscape and ecology perspective it is recommended that the planting mix should consist of 30% Scots Pine, 30% Aspen and 40% Birch. Comment has also

[5] The mix of species initially proposed included beech, hawthorn, guelder rose and elder.

been made on the potential for enhancement measures in the context of the built environment, where it is suggested that both bat roosts and swift nest sites could be incorporated into the design of buildings on the site where building design and materials allow. Neither are expensive to install, visually obtrusive or imperil the building. The response from the ecology officer also provides advice on invasive plant species, noting that the control and prevention of such species has been identified as a priority in the Cairngorms National Park Plan. It is vital that care is taken to avoid the spread of such species either through planting or because of construction activities.

35. In terms of the landscape impact of the proposed development, the landscape officer has considered the various alternative finishes that the applicants are willing to consider on the Water Treatment Works building, and has concluded that the original proposal for the wall materials (block work at lower level, with metal profile sheeting on the remainder) remains the most appropriate. It is also accepted that the planting will mature over time to obscure most of the views of the building. Notwithstanding the landscaping proposals, it is considered that the roof will be more visible than the wall cladding, particularly when viewed from the south and east. Consequently, the landscape officer considers the use of a green roof would be appropriate. The benefits of such a roof include its insulation properties, minimal maintenance requirements, and also its benefits in enhancing biodiversity and reducing run off rates. Finally comment is offered in connection with the archaeology remains on the site. It is suggested that a planning condition should be included to agree and regulate the method of interpretation. **HLM** consider that it may be more appropriate to have a leaflet available rather than erecting an interpretation board at the site.

REPRESENTATIONS

37. No representations have been received in respect of the development proposal.

APPRAISAL

Principle and Interdependence of Development Components

38. The development of the Water Treatment Works 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 is to deliver a fully integrated scheme within the investment period from 2006-2010. This has resulted in

the proposal for the 4 components now currently being considered – the clear water tank (already permitted), borehole abstraction, new pipeline (permitted development) and this current application for the proposed Water Treatment Works. The planning application for the proposed boreholes (CNPA planning ref. no. 08/400/CP) is still under consideration and will be the subject of a separate report and recommendation at a later stage.

39. Although the proposed Water Treatment Works is a key component of the Scottish Water proposals for the overall Badenoch and Strathspey Water Supply and Treatment Project, it is also a development which would be utilised regardless of whether or not the overall project comes to fruition. The current Water Treatment Works are housed at Blackpark and the facility is not capable of improving water quality to the standard required, as this would require new membrane technology, and the physical space is unavailable to allow additional infrastructure to be introduced. As a result it has been necessary for Scottish Water to seek an alternative location for the construction of a new Water Treatment Works.

40. 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 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 i.e. the proposed alternative water source, 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. This was circulated to Members for information purposes some months ago when the CNPA planning committee considered the planning application for the Clear Water Tank.

41. While it may 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 Water Treatment Works proposal at this stage. Members will be aware of concerns raised by the **Spey Fishery Board** in relation to the application for the Clear Water Tank, and again in the course of this proposal (as detailed in paragraph 28), 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 element and the potential impact on the Spey, and are concerned that consideration of other elements, such as the Water Treatment Works, 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 Water Treatment Works at the Kinakyle site are necessary regardless of whether or not borehole abstraction was progressing, I am satisfied that the

current proposal for the WTW 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.

42. 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. The proposed Water Treatment Works 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

43. Due to the location of the subject site between one of the main entry roads into Aviemore and the railway line, together with it containing an area of birch woodland, issues considered in the course of this assessment include the landscape impact, as well as impacts on trees and habitats. The site is not the subject of any natural heritage designations. The extent of the birch woodland that would lost as a result of the development is now less than originally proposed, due to the fact that the originally proposed wastestream treatment wetlands has been replaced by a proposal for a small building that would accommodate wastestream sand filters. The proposed building is in an alternative location and occupies a smaller area. The extent of woodland that would be lost on the site will be adequately compensated for by new planting. While the currently proposed planting mix includes species which are not native to the area, this is a matter which could be appropriately addressed by way of a condition, requiring the submission of (and subsequent implementation of) a detailed landscaping plan, including the mix of species recommended by the **Heritage and Land Management Group** (as detailed in paragraph 34). **HLM** also accept the findings of the squirrel survey. The avoidance of works in the breeding bird season would assist in the on going protection of bird species at the site.

44. In relation to landscape impact, it is accepted that the proposed WTW building is of quite a significant scale and will have a degree of visibility particularly when viewed from the B9152 to the west and the railway to the east. However, I am satisfied that over time the additional landscaping proposals, in conjunction with measures such as the use of a green roof and an appropriate colour choice on the remainder of the exterior of the building, would also assist in assimilating the building into the landscape.

45. In terms of design, paragraph 8 of this report has already outlined the various alternative finishes suggested by Scottish Water in an effort to address the CNPA's initial concerns regarding the potential impact of the WTW building. Consistent with the most recent view expressed by the CNPA's Landscape Officer, I am satisfied that the proposed combination of blockwork, with profile sheeting above, is acceptable, subject to an appropriate choice of colours. I accept the concerns raised by Aviemore and Vicinity Community Council regarding the potential visual impact of the initially proposed 'Flint

Grey' colour, and therefore consider that the recent alternative suggestions of either green or brown sheeting would be more appropriate. Having regard to the proposed floor level of the building, which is significantly below the level of the public road, the most visible area will be the roof and the use of a green roof is likely to be an effective means of camouflaging the effects of the structure.

Conclusion

46. While the development of the Water Treatment Works 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 and would be beneficial, as an independent infrastructure project, in its own right. I do not therefore 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. Various measures would ensure that landscape impacts are minimised, and measures have also been put forward to ensure that the cultural heritage of the area (in the form of the existing archaeological site) is appropriately protected. The development proposal would not give rise to any planning policy contraventions.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

47. The development is not considered to have adverse implications for this aim, as the proposals include a variety of measures that would assist in conserving and enhancing the natural and cultural heritage of the area.

Promote Sustainable Use of Natural Resources

48. 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

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

Promote Sustainable Economic and Social Development

50. 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 for the installation of a Water Treatment Works building, associated site works and construction of access road on land between the B9152 and the railway line at Easter Kinakyle, 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. No demolition / construction activity shall be undertaken during the recognised bird breeding period between March and August (inclusive), unless otherwise agreed in writing with the CNPA acting as Planning Authority. In the event that work is required in exceptional circumstances to be undertaken during the period from March to August, a nesting bird survey shall be undertaken immediately prior to any work. If nesting birds are recorded the works shall stop until the birds have ceased nesting or a license had been obtained from the Scottish Government to permit disturbance.

3. Prior to the commencement of development of the proposed works the compensatory floor storage scheme (as per Drawing No. 5000349254-WR-DRA-04001530-01, dated 12 February 2009) shall be implemented.

4. Prior to the commencement of development a full set of revised plans of the Water Treatment Building shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, to show the incorporation of a green roof. The following details shall also be submitted for the written agreement of the CNPA : -
   (a) a detailed specification (including maintenance proposals) of the green roof;
   (b) detailed proposals to show the incorporation of bat roosting and bird nesting opportunities into the design;
   (c) details of the proposed colour finish (which should be in a muted tone, such as brown or green) of the external profile sheeting; and
   (d) details of the proposed colour finish of all entrance doors.

5. Prior to the commencement of the wall rendering works, a sample panel, approximately 1 metre square, of the wet harling shall be prepared on site for the inspection and further written approval of the CNPA acting as Planning Authority.

6. The access to the site shall be of a sufficient size to enable the largest vehicles requiring access to safely enter and leave the site without causing damage to the public road or causing undue interference with the safety and free flow of traffic on the public road. For the construction phase of the works the geometry of the access road shall be in general accordance with the submitted details.

On completion of the development the geometry of the road need only be sufficient to accommodate the largest vehicles requiring access for operational and / or maintenance purposes. Any additional construction required specifically for the construction phase shall be removed on completion of the development and the underlying area shall be landscaped / reinstated to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Roads Authority.

7. The temporary and permanent access shall be fit for purpose and in each case construction for the first 10 metres measured from the nearside edge of the public road shall consist of a minimum of 40mm thick Close Graded Wearing Course on 60mm Dense Basecourse on a minimum thickness of 350mm Type 1 sub base, all on a sound formation. Thereafter construction shall consist of a minimum of 350 mm thick Type 1 sub base on a sound formation.

8. The gradient of the access shall not exceed 5% for the first 10 metres measured from the nearside edge of the public road and thereafter shall not exceed 10%.

9. (a) Visibility splays shall be provided and maintained on each side of the access. These splays are the triangles of ground bounded by the first 4.5 metres along the centreline of the access road (the X dimension) and the nearside edge of the main road (the y dimension) measured 180 metres in each direction from the intersection with the access road;
(b) Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension;
(c) Any gates that are provided shall be set back at least 15 metres from the nearside edge of the public road and shall open into the property only.

10. The applicants shall undertake pre and post construction surveys, which shall include photographic records, to record the condition of the B9152 public road opposite the site access. The pre and post construction survey results shall be submitted to the Cairngorms National Park Authority acting as Planning Authority. Any damage arising to the public road during the construction phase of the development shall be made good by the applicants prior to the commissioning of the development, all to the satisfaction of the CNPA acting as Planning Authority, in consultation with the Roads Authority.

11. Sufficient temporary and permanent parking and manoeuvring space shall be made available, such that all vehicles associated with the construction or operation of the development will be accommodated within the site and may safely enter and leave the site in forward gear.

12. No water shall discharge on to the public road and the applicant shall be responsible for the provision of any measures necessary to prevent road water entering the site. Such measures shall be to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the TEC Services of Highland Council.

13. Prior to the commencement of development a revised landscaping plan shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority specifying the quantity, position, size, species and protection measures (tree shelters, stakes and ties) of all trees / shrubs to be planted. The landscaping shall consist of the following – 30% Scots Pine, 30% Aspen and 40% Birch. Where 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 landscaping plan. The landscaping shall be carried out in accordance with the agreed plan and shall be completed within one year of the commencement of works. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

14. (a) Prior to the commencement of development a method statement and detailed proposals for the siting of the temporary construction compound shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Archaeology Unit of Highland Council.

(b) The method statement shall include details of protective action to be taken against rabbit burrowing damage to the remains of the turf buildings.

(c) Structure A shall be excluded from the temporary compound area.

(d) On completion of the construction, the temporary compound area shall be removed and the historic site shall be returned to its current condition. There shall be no permanent fences separating any of the structures from the rest of the township.

Advice notes :

(a) Prior to any work of excavation or surfacing starting within 2 metres of the public road edge, a road opening permit shall be obtained from the Roads Authority.

(b) For advice on the most appropriate means of incorporating bat roosts into the building design please contact the Bat Conservation Trust (tel no. 01786 826792). Advice on the incorporation of bird nesting opportunities into the building design may be sought from Concern for Swifts (www.concernforswifts.com/Opportunities.asp) or alternatively liaise with the CNPA's Heritage and Land Management Group.

(c) Care should be taken to avoid the spread of invasive, non-native species to the site arising from quarrying activities, restoration plans etc.. In the event of any such species arriving at the site as a result of quarrying activities, it is recommended that they are removed as soon as possible and disposed of appropriately.

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15 July 2009

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