



# Committee report

## Development proposed:

Upper Dee River and floodplain restoration at site at the River Dee from No 1446 9203 up to the confluence with Quoich Water at No 1226 9068, Aberdeenshire

**Reference:** 2025/0010/DET

**Applicant:** Cairngorms National Park Authority

**Date called-in:** 13 January 2025

**Recommendation:** Approval, subject to conditions

**Case officer:** Colin Bryans, Senior Planning Officer





## Site description, proposal and history

### Site description

1. The application site is located upstream of the village of Braemar, extending westwards to the confluence of the Quoich Water with the River Dee. The site is bound to the south by the River Dee and to the north by the Allanmore Track. The site comprises the River Dee channel, its banks and an area of land, the majority of which constitutes low lying wetland / wet ground with a smaller portion, located on higher ground, currently under agricultural use for grazing.
2. The application site is located within the Eastern Cairngorms Site of Special Scientific Interest (SSSI), Mar Lodge Estate National Nature Reserve (NNR), River Dee Special Area of Conservation (SAC), and the Cairngorms Special Protection Area (SPA).

### Proposal

3. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2H06USI0CP00>

| Title                          | Drawing number | Date on plan* | Date received |
|--------------------------------|----------------|---------------|---------------|
| Plan – Upper Dee location plan | n/a            | n/a           | 18/03/25      |
| Plan – Upper Dee East          | n/a            | n/a           | 18/03/25      |
| Plan – Upper Dee West          | n/a            | n/a           | 18/03/25      |
| Plan – Upper Dee map A         | n/a            | n/a           | 18/03/25      |
| Plan – Upper Dee map B         | n/a            | n/a           | 18/03/25      |
| Plan – Upper Dee map C         | n/a            | n/a           | 18/03/25      |
| Plan – Upper Dee map D         | n/a            | n/a           | 18/03/25      |
| Plan – Upper Dee map E         | n/a            | n/a           | 18/03/25      |
| Plan – Upper Dee map F         | n/a            | n/a           | 18/03/25      |



|                              |     |          |          |
|------------------------------|-----|----------|----------|
| Plan – Upper Dee map G       | n/a | n/a      | 18/03/25 |
| Plan – Upper Dee plan map    | n/a | n/a      | 18/03/25 |
| Plan – Sections 1            | 3   | 10/09/24 | 10/01/25 |
| Plan – Sections 1            | 3   | 10/09/24 | 10/01/25 |
| Plan – Cut and fill analysis | 3   | 10/09/24 | 10/01/25 |
| Plan – Large wood structures | 3   | 10/09/24 | 10/01/25 |

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

4. The section of the River Dee subject to this application has been historically altered with embankments and bank protection put in from the 1700s onwards to protect grazing and cropping. These historic interventions have led to degradation and simplification of the river system with less natural river processes, less river-floodplain connectivity and less habitat variety.
5. The proposed development aims to reverse the impacts of these historical modifications and includes the following elements:
  - a) Riverbank armour removal to allow the river to adjust its course naturally.
  - b) Floodplain embankment removal to allow the river and floodplain to become better connected and to facilitate the storage of water.
  - c) Installation of large wood structures to drive future channel dynamism and habitat creation.
  - d) Creation of a series of “scrapes”, of variable depths, to create a wider wetland habitat.
  - e) Riparian woodland planting.

## History

6. APP/2015/2336: Removal of Waste and Re-Profiling of 90m of Riverbank at River Dee, Mar Lodge Estate Car Bank, Aberdeenshire. Granted 18 September 2015.
7. APP/2004/4255: Prior approval for the removal of Man-Made Structures, Construction of Silt Traps, Installation of Stone Riffles. Approved 28 June 2005.





## **Habitats Regulations Appraisal**

8. A Habitats Regulations Appraisal (HRA) has been undertaken which is attached as an Appendix. This appraisal considered that there may be likely to be a significant effect on the European site. The European site in this case is the River Dee SAC which is designated for otter, Atlantic salmon and freshwater pearl mussel interests. Consequently, an Appropriate Assessment of the implications for the European site in view of the conservation objectives and to ascertain whether the development will affect the integrity of the European site has been undertaken.
9. Likely significant effects are anticipated on Ballochbuie SAC and Cairngorms SAC, and the qualifying feature Otters, due to likely interconnectivity of foraging habitat with the application site.
10. Likely significant effects are anticipated on the Cairngorms SPA and the qualifying features Osprey and Peregrine due to likely interconnectivity of foraging habitat with the application site.
11. The proposed works will contribute towards ensuring that the qualifying features of the River Dee SAC are in favourable condition and make an appropriate contribution to achieving favourable conservation status.
12. By restoring natural river processes, reinstating channel / floodplain connectivity and improving the quality of riverine and floodplain habitat at the landscape scale, the proposed development will promote diversity and improve habitat availability for freshwater pearl mussels, Atlantic salmon and otter across the site. Likewise foraging opportunity and quality for osprey and peregrine will likely improve.
13. Mitigation measures included in the proposal will reduce the construction phase and post-construction phase risks of disturbance and impacts from sediment mobilisation, construction pollution and the spread of disease to a minimum level. Whilst this site represents only a small part of the River Dee SAC, this project combined with other restoration projects could contribute to the qualifying features achieving better conservation status.



14. The proposed mitigation measures included within the application, if implemented, will reduce the potential effects to a minimal level so that all conservation objectives can be met for the River Dee SAC. The recommended planning condition requiring the submission and approval of a Construction Environment Management Plan (CEMP), to include detailed mitigation measures, and the employment of an Ecological Clerk of Works will ensure that all works carried out during construction are in accordance with the approved CEMP, and the required mitigation measures are implemented.
15. NatureScot have been consulted and agree with the HRA findings, concluding that the mitigation measures outlined will ensure there will be no adverse impact on site integrity of the River Dee SAC as a result of the works.
16. Once the works have been completed, they will have a positive impact on both qualifying interests of the SAC.

## Development plan context

### Policies

| National policy | <b>National Planning Framework 4 (NPF4) Scotland 2045</b><br>(Policies relevant to the assessment of this application are marked with a cross (x)) |   |
|-----------------|--|---|
| Policy 1        | Tackling the climate and nature crises   | X |
| Policy 2        | Climate mitigation and adaptation  | X |
| Policy 3        | Biodiversity   | X |
| Policy 4        | Natural places   | X |
| Policy 5        | Soils  |   |
| Policy 6        | Forestry, woodland and trees   |   |
| Policy 7        | Historic assets and places   | X |
| Policy 8        | Green belts  |   |
| Policy 9        | Brownfield, vacant and derelict land, and empty buildings  |   |
| Policy 11       | Energy   |   |
| Policy 12       | Zero waste   |   |
| Policy 13       | Sustainable transport  |   |



|           |   |          |
|-----------|---|----------|
| Policy 14 | Design, quality and place                 | <b>X</b> |
| Policy 15 | Local living and 20 minute neighbourhoods |          |
| Policy 16 | Quality homes                             |          |
| Policy 17 | Rural homes                               |          |
| Policy 18 | Infrastructure first                      |          |
| Policy 19 | Heating and cooling                       |          |
| Policy 20 | Blue and green infrastructure             | <b>X</b> |
| Policy 21 | Play, recreation and sport                |          |
| Policy 22 | Flood risk and water management           | <b>X</b> |
| Policy 23 | Health and safety                         |          |
| Policy 24 | Digital infrastructure                    |          |
| Policy 25 | Community wealth building                 |          |
| Policy 26 | Business and industry                     |          |
| Policy 27 | City, town, local and commercial centres  |          |
| Policy 28 | Retail                                    |          |
| Policy 29 | Rural development                         |          |
| Policy 30 | Tourism                                   |          |
| Policy 31 | Culture and creativity                    |          |
| Policy 32 | Aquaculture                               |          |
| Policy 33 | Minerals                                  |          |

|                          |  |          |
|--------------------------|--|----------|
| <b>Strategic policy</b>  | <b>Cairngorms National Park Partnership Plan 2022 – 2027</b>   |          |
| <b>Local plan policy</b> | <b>Cairngorms National Park Local Development Plan (2021)</b><br>(Policies relevant to the assessment of this application are marked with a cross (x)) |          |
| Policy 1                 | New housing development  |          |
| Policy 2                 | Supporting economic growth   |          |
| Policy 3                 | Design and placemaking   | <b>X</b> |
| Policy 4                 | Natural heritage   | <b>X</b> |
| Policy 5                 | Landscape  | <b>X</b> |
| Policy 6                 | The siting and design of digital communications equipment  |          |
| Policy 7                 | Renewable energy   |          |
| Policy 8                 | Open space, sport and recreation   |          |



|           |                       |  |
|-----------|-----------------------|--|
| Policy 9  | Cultural heritage     |  |
| Policy 10 | Resources             |  |
| Policy 11 | Developer obligations |  |

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

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

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

## Planning guidance

18. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross (x).

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

## Consultations

19. A summary of the main issues raised by consultees now follows:





20. **Historic Environment Scotland** raised no objections to the proposal.
21. Following the submission of an updated flood model, **SEPA** raised no objections to the proposal.
22. The **Aberdeenshire Council Historic Environment Team** raised no issues in relation to the proposal.
23. The **Aberdeenshire Council Flood Risk and Coast Protection Team** made no comment on the application.
24. The **Aberdeenshire Council Natural Environment Team** provided no substantive comments on the application because of the call-in process.
25. The **Aberdeenshire Council Contaminated Land Officer** raised no objections to the proposal.
26. The **Aberdeenshire Council Built Heritage Team** raised no objections to the proposal.
27. **Cairngorms National Park Authority Landscape Consultant** raised no objections to the proposal, with the finalised scheme being viewed as having positive impacts on the landscape and on visual amenity.
28. **Cairngorms National Park Authority Outdoor Access Officer** advised that, based on the available flood modelling, the restoration scheme will not cause any significant impacts on access routes or for recreation.
29. The **Dee District and Salmon Fishery Board** and the **River Dee Trust** support the proposed development stating that it aligns with their ongoing work within the Dee catchment area and that the proposal will contribute to biodiversity enhancement, the restoration of natural river and floodplain processes and towards resilience of the river, and its wider ecosystem against the impacts of climate change.



30. The **Ballater and Crathie, Braemar and Mid-Deeside Community Councils** stated their full support for the proposed development.

## **Representations**

31. No representations were received.

## **Appraisal**

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

## **Principle**

33. **NPF4 Policy 1: Tackling the climate and nature crises** seeks to ensure that significant weight will be given to the global climate and nature crises when considering all development proposals.
34. **NPF4 Policy 2: Climate mitigation and adaptation** seeks to encourage development that adapts to the current and future impacts of climate change.
35. **NPF4 Policy 3: Biodiversity** states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
36. **NPF4 Policy 4: Natural places** seeks to protect, restore and enhance natural assets making best use of nature-based solutions.
37. **NPF4 Policy 20: Blue and green infrastructure** seeks to protect and enhance blue infrastructure and its networks.
38. The purpose of the proposed development is to restore natural river processes, better connect the river to its floodplain, and improve the quality of habitats in the



river and on the floodplain. In this way, the river and floodplain should be closer to the natural state of a gravel bed river floodplain in a mountainous area. The proposed modifications will deliver the reinstatement of natural river form and process, increased habitat diversity and biodiversity, and improved climate change resilience through reduced river flows, reduced energy, deposition of sediment and recharging of groundwater.

39. The principle of the proposed development at the application site is supported and in compliance with NPF4 Policy 1: Tackling the climate and nature crises, NPF4 Policy 2: Climate mitigation and adaptation, NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places, and NPF4 Policy 20: Blue and green infrastructure.

## **Design and landscape**

40. **NPF4 Policy 14: Design, quality and place** seeks to ensure that development proposals improve the quality of the area and are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.
41. **LDP Policy 3: Design and Placemaking** also seeks to ensure that proposals improve the quality of the area and are consistent with the six qualities of successful places.
42. The proposed development is consistent with the six qualities of successful places and will particularly contribute to the “sustainability” quality by integrating nature positive, biodiversity solutions and contributing towards climate change resilience. The proposal supports attractive natural spaces and is therefore also consistent with the “pleasant” quality.
43. The proposal is in accordance with NPF4 Policy 14: Design, quality and place and with LDP Policy 3: Design and Placemaking.

## **Environment and biodiversity**

44. **NPF4 Policy 3: Biodiversity** seeks to ensure that development proposals protect biodiversity, reverse biodiversity loss, deliver positive effects from development and



strengthen nature networks. Major development proposals must include appropriate measures to conserve, restore and enhance biodiversity so they are in a demonstrably better state than without intervention in accordance with national and local guidance.

45. **NPF4 Policy 4: Natural places** seeks to ensure that development proposals protect, restore and enhance natural assets making best use of nature-based solutions. Development that has significant adverse impacts on designated sites, after mitigation, will not be supported.
46. **LDP Policy 4: Natural heritage** seeks to ensure that there are no adverse effects on biodiversity interests.
47. The proposal site is located within the River Dee SAC, Eastern Cairngorms SSSI, Mar Lodge Estate National Nature Reserve, River Dee SPA and the Cairngorms SPA.
48. The proposed river restoration development will benefit in-channel habitat diversity and channel floodplain connectivity, and as such may contribute to increased distribution and availability of habitats for both freshwater pearl mussels, Atlantic salmon and otter.
49. The benefits of the proposal will also apply beyond these qualifying features of the SAC, providing increased quantity and quality of habitat for a range of flora and fauna including, but not limited to the following:
  - a) Breeding birds - The proposed habitat works, including the installation of wader scrapes, should improve conditions for breeding waders within the project site.
  - b) Osprey and peregrine – The likely long-term effects arising from the river restoration could improve habitat for osprey and peregrine prey species, improving foraging.
  - c) Bats - The proposed habitat works including enhancement of wetland habitats on the floodplain and the River Dee may improve habitat diversity for invertebrates, which would in turn benefit foraging bats.



- d) Badgers - Ecological improvements to the site proposed as part of the application may improve the diversity of foraging habitat for badgers in the long-term.
- e) Water vole - Proposed ecological improvements to the wetland habitat on site may improve the diversity habitat for water voles.

50. Some detrimental impacts on the ecology and environment are expected during the construction works. These impacts will be short term and temporary, only lasting for the duration of the works. The mitigation measures identified by the applicant are sufficient to evidence that adverse impacts on site integrity can be avoided, subject to the recommended condition concerning the submission of a Construction Environment Management Plan, to include specific and detailed mitigation measures, and the employment of a suitably qualified and experienced Ecological Clerk of Works to oversee the construction process.

51. The proposed development will protect, restore and significantly enhance natural assets so they are in a demonstrably better state than without intervention and will not have any permanent detrimental impacts on the environment or protected species. Temporary detrimental impacts resulting from the construction process can be suitably mitigated. The proposal therefore complies with NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places and LDP Policy 4 Natural heritage.

## **Flooding and surface water**

52. **NPF4 Policy 22: Flood risk and water management** seeks to ensure that developments are resilient to current and future flood risk.

53. SEPA raised no objections to the proposal noting that the proposed development will have minimal impact on estimated flood levels.

54. The proposal will not have any detrimental impacts on flood risk to any receptors and is in accordance with NPF4 Policy 22, potentially providing additional resilience to flooding downstream.



## **Conclusion**

- 55. The proposed development will deliver the reinstatement of natural river form and process. This will result in increased biodiversity, and a positive impact on qualifying features of the River Dee SAC. The principle of the proposal complies with NPF4 Policy 1: Tackling the climate and nature crises, NPF4 Policy 2: Climate mitigation and adaptation and NPF4 Policy 20: Blue and green infrastructure.
- 56. The development will protect, restore and significantly enhance natural assets in compliance with NPF4 Policy 3: Biodiversity, NPF4 Policy 4: Natural places and LDP Policy 4: Natural heritage and it is acceptable in terms of impacts on flood risk and surface water drainage in accordance with NPF4 Policy 22: Flood risk and water management.
- 57. The proposed development accords with the six qualities of place as identified by NPF4 Policy 14: Design, quality and place and with LDP Policy 3: Design and Placemaking.
- 58. The proposed development is therefore in accordance with the provisions of the development plan and no material considerations outweigh this conclusion.

## **Recommendation**

**That members of the committee support a recommendation to APPROVE the application for Upper Dee River and floodplain restoration at the River Dee from No 1446 9203 up to the confluence with Quoich Water at No 1226 9068, Aberdeenshire, subject to the following conditions:**





## Conditions

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

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

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

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

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



## **Informatives**

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