



# Committee report

## **Development proposed:**

Realignment of 400m of River Tromie at Land 670M NW Of Dell of Killiehuntly  
Farmhouse Kingussie

**Reference:** 2025/0104/DET

**Applicant:** RSPB Scotland

**Date called-in:** 12 May 2025

**Recommendation:** Approve subject to conditions

**Case officer:** Katherine Donnachie, Planning Officer

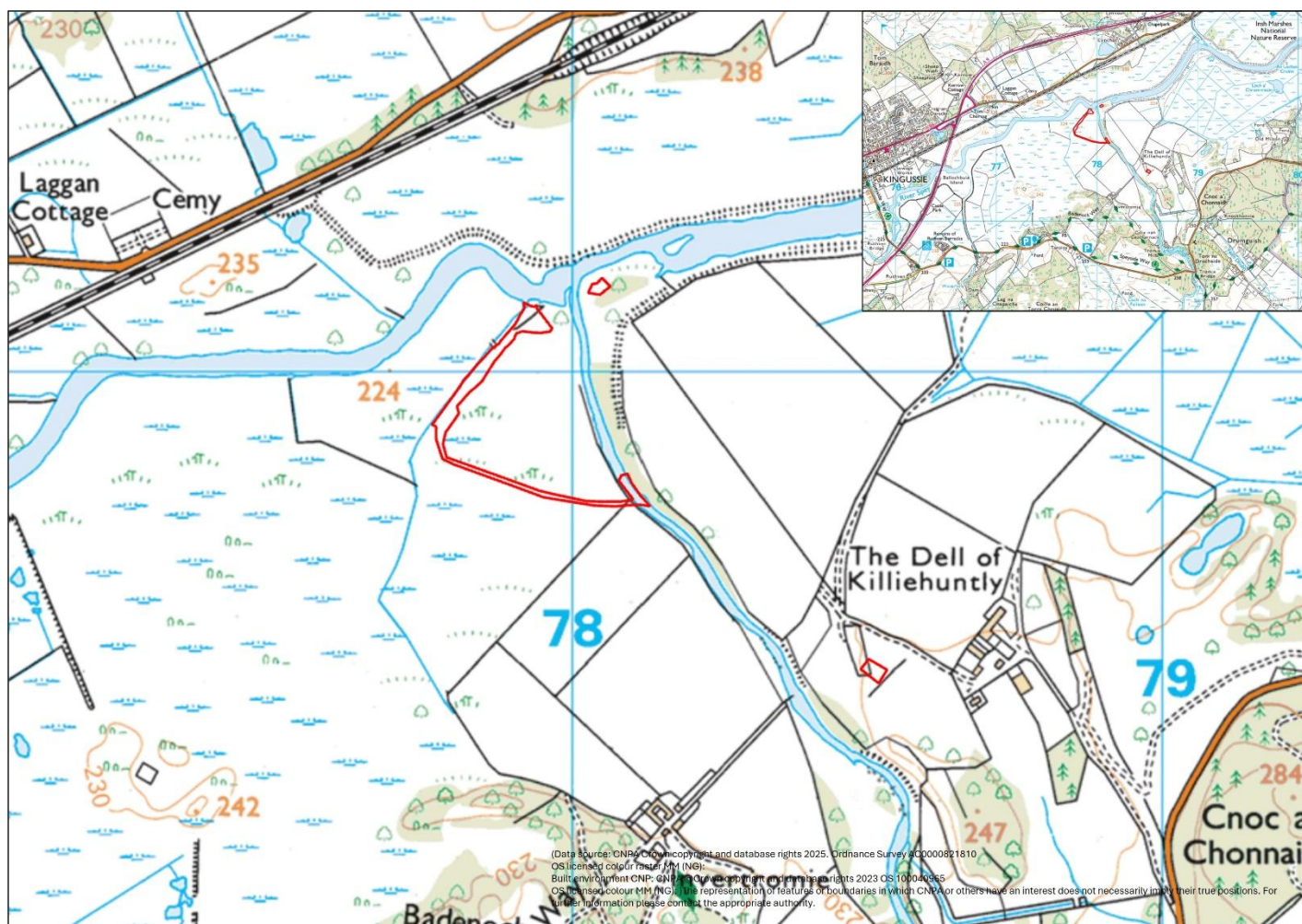


**Cairngorms**  
National Park Authority

Ùghdarras Pàirc Nàiseanta a'  
Mhonaidh Ruaidh

Item 8 Planning Committee  
29 August 2025

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This map has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.



## Site description, proposal and history

### Site description

1. The proposed site is located at the lower reaches of the River Tromie to the southeast of Kingussie. It involves a stretch of this river from north of Invertromie Steadings to the confluence point with the River Spey. On the east bank of the river is the riparian riverbank with farmland at Dell of Killiehuntly beyond. To the west of the river is Insh Marshes which comprises highly designated wetland habitat. The application site is located within this area.
2. Insh Marshes is owned by RSPB Scotland and is designated as a National Nature Reserve (NNR), Site of Special Scientific Interest (SSSI), River Spey-Insh Marshes RAMSAR site, Special Area of Conservation (SAC), and Special Protection Area (SPA). These national and international designations include a range of interests including: hen harrier, osprey, spotted crane, whooper swan, widgeon and wood sandpiper; floodplain mires; alder woodland; clear water lakes / lochs; breeding and overwintering bird assemblages; invertebrate assemblages; and plant species / assemblages. The River Tromie is also a tributary of the River Spey and is part of the River Spey SAC designated for its Atlantic salmon, otter, freshwater pearl mussel and sea lamprey interests.
3. This lower part of the river is characterised by a rather straight channel with embankments enclosing the river, as a result of historical alterations to the river course.
4. There are no listed buildings of archaeological or historic interest in the immediate vicinity. There are a number of sites recorded in the Historic Environment Records in the wider area.

### Proposal

5. 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>

<b>Title</b>	<b>Drawing number</b>	<b>Date on plan*</b>	<b>Date received</b>
Plan - site map of southern section		26/03/25	08/05/25
Plan - site map of northern section		26/03/25	08/05/25
Plan - site plan with labels			02/06/25
Plan - cross and long sections			02/06/25
Plan - long sections			08/05/25
Plan - Overview map of details and sections sheets 1- 10	DR-2024-0274	18/02/24	08/05/25
Plan - photographs and aerial images			08/05/25
Plan - plan of tree cutting		08/04/25	08/05/25
Plan - Archaeological Points of interest map		06/04/25	08/05/25
Plan - Aerial imagery of River Tromie fish habitat plans 1- 6	673614-GIS037	24/02/25	08/05/25
Plan – location plan		26/03/25	08/05/25
Other - Summary of project site and proposal		01/01/25	08/05/25
Other - Protected species survey	Alba Ecology	01/11/24	08/05/25
Other - Fish and Geomorphology Survey River and Flood Plain Restoration Monitoring report	673614	01/02/25	08/05/25
Other - Flood Risk Assessment		20/03/25	08/05/25
Other - Method Statement		20/03/25	08/05/25
Other - RSPB Ecology report on effect of realignment on invertebrate communities		01/04/25	08/05/25



Other - Technical report on project design -Tromie optioneering and final design report		20/03/25	08/05/25
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\*Where no specific day of month has been provided on the plan, the system defaults to the first of the month.

6. This application seeks full planning permission to realign 400 metres of the lower reaches of the River Tromie to create a more meandering river bed with a series of riffles, inset berms (a lowering of the bank edge), point bars and pools constructed in the new channel to create variety in the river bed and encourage diversity of habitats and improve water flow, so imitating natural river flows. Material from the original river channel will be used for the works. These works will result in moving the river further west away from the adjacent agricultural land at Dell of Killiehuntly. The new channel will cross wetland westwards to then link into an existing drainage channel which flows into the Spey. This will then be the main confluence into the River Spey around 67 metres to the west of the existing one. Plans of the proposed development are attached as **Appendix 1**.
7. Access will be taken across existing fields south of Invertromie Steading which is served by an existing track off the B970 public road from Kingussie to Aviemore running along the south side of the Spey. No constructed accesses are to be formed. It is understood that material as required will be taken across the river using existing ford positions with a storage area at Dell of Killiehuntly. Two existing borrow pit locations have been identified, one within an old agricultural quarry at Dell of Killiehuntly on the other (east) side of the River Tromie and one further downstream also on the other side of the river which comprises old river dredging materials. There will be some limited pruning of tree branches to facilitate these crossings. Embankments along the Invertromie drain will be removed to improve connectivity between the new channel and the floodplain. The old channel will become largely redundant as the new channel becomes established. The new channel will vary slightly in width and depth, but it is proposed that on average it will be 0.5m deep and 6-7m wide and is designed to encourage overtopping onto the marshes



8. The applicant's supporting material explains that although the marshes are often cited as one of the least modified floodplain mires in NW Europe, the floodplain and rivers are far from natural due to historic human intervention with modifications (flood embankments, bank protection, drainage, straightening of natural water courses) made in the past to drain them. The proposal involves realigning the lower stretch back onto an alluvial fan to create a more sustainable system which will reduce the risk of avulsion (abandonment of channel). This configuration will be more like the historic river channel, with historical maps showing a more winding nature of river. The submission explains that the embankments introduced in previous years have reduced river and floodplain connectivity and that the proposed works will reduce flood risk to neighbouring land and help buffer increases in river flow so making the area more climate resilient.
9. The proposals have been the subject of consultation with key stakeholders including NatureScot, SEPA, the Spey Fishery Board, Spey Catchment Initiative and the Park Authority. Neighbours and the local community were informed about the planned works, and an open day with details of the proposal was held in February 2025, attended by 35 local residents.
10. The proposed development is being delivered as part of the Cairngorms Connect Floodplains and River Restoration programme and a range of supporting documents have been submitted including:
11. Method Statement which provides detail on proposed working methods for the key components of the development in order to minimise environmental impacts.
12. Flood Risk Assessment which demonstrates that there will be no significant change as a result of the realignment.
13. Ecological studies including protected species survey covering wildcat, otter, badger, water vole, pine marten and freshwater pearl mussel with no evidence of the target species found at the time of the survey. A repeat survey is to be undertaken in Summer 2025. An assessment of the likely impact of the proposals on the exposed riverine sediment (important habitat for a range of invertebrates)





has also been provided. This work concludes that bird and invertebrate communities are likely to be unaffected, or enhanced, as a result of the proposals, with an increase in the designated transition mire habitats likely to benefit breeding waders. It also explains that the undersized channel will encourage more frequent overtopping of water onto the ground adjacent to the new channel, which will lead to the increased deposition of sands and gravels on the alluvial fan which will provide new habitat for associated specialist invertebrate species such as Northern silver stiletto fly and five-spot ladybird.

14. River and Floodplain Restoration 2025 Monitoring Report which includes targeted river condition monitoring of the lower reaches of the Spey tributaries to assess changes in morphology and fish habitats, with the Tromie being part of this monitoring.
15. Tromie Optioneering and Final Design Report which considers the dynamics of the river system and interventions, with extensive modelling undertaken looking at management on both sides of the existing channel. It explains that the design and modelling for this project has been focussed on ensuring fish passage for Atlantic salmon.
16. In terms of the actual construction, the supporting information explains that work would start after 1 August following the bird breeding season, with any in channel works to be completed by 30 September, ahead of the fish spawning season. The majority of works to form the channel and features will be carried out offline to minimise the mobilisation of silt, with silt management measures put in place on the channels to catch any material that is mobilised. Suitable sediment from the existing river channel and new channel excavation are proposed to be used to form the fish habitat features in the new channel. Any additional sediment required to complete these features would be won from borrow pits at the quarry and on the east bank. Excess material excavated from the new channel will be transported by low ground pressure machinery to be spread on the reserve above the 200-year flood zone.



## History

17. There is no specific relevant planning history on the site. There is an application currently pending with The Highland Council to the southwest of the application site as follows – 25/02130/FUL: Excavation of three scrapes (0.54Ha) to provide spring feeding habitat for breeding waders and related works at Land 570M northwest of Invertromie Farmhouse Kingussie.

## Habitat Regulations Appraisal

18. A Habitats Regulations Appraisal (HRA) has been undertaken to consider the potential effects of the development upon the conservation objectives of European sites. The HRA document is attached as **Appendix 2**. The European sites in this case are: Insh Marshes SAC designated for its alder woodland on floodplain, clear water lakes or loch with aquatic vegetation and poor to moderate nutrient levels, and very wet mires often identified by an unstable, “quaking” surface; River Spey-Insh Marshes SPA designated for its hen harrier, osprey, spotted crane, whooper swan, widgeon and wood sandpiper interests; and the River Spey SAC designated for its Atlantic salmon, freshwater pearl mussels (FWPM), sea lamprey and otter interests. In addition, the Scottish Government recently issued guidance to make it clear that that RAMSAR sites should be treated as European sites for the purposes of the HRA process. In this case Insh Marshes is a RAMSAR site of international importance designated for its flood plain mire, mesotrophic loch, alder woodland with willow, vascular plant assemblage, invertebrate assemblage, otter, osprey, spotted crane, wood sandpiper, widgeon, and whooper swan interests. Accordingly, the impacts on this RAMSAR site have been considered in the HRA process.
19. The HRA considers that there are likely significant effects upon the interests of the River Spey SAC in terms of short term effects on otter from construction activity, although long term impacts through improved naturalisation of the riverbanks and wetland improvements could provide increased habitat for otter and their prey, and short term effects on fresh water pearl mussel from release of fine sediments, potential pollution and biosecurity during construction, although post construction effects could arise from expansion of suitable habitat for the mussels. Similar effects are predicted for sea lamprey. In terms of Atlantic salmon, there may be short term effects at construction stage from disturbance of habitats through release of sediment, fuel spills and disturbance during spawning periods. Again,





there could be post construction impacts from improved natural dynamics of the River Tromie and improved habitats.

20. Likely significant effects are also identified for the River Spey - Insh Marshes SPA in terms of short-term effects of disturbance to the birds arising during construction activities. Potential for long term positive effects for some species is identified in terms of wetland enhancement and improvements to habitat diversity and positive impacts on prey species.
21. For the Insh Marshes SAC no likely significant effects are identified in terms of effects on the alder woodland or clear water lakes as these features will not be impacted. Likely significant impacts are identified for the very wet mires as there will be a short-term loss of some of this habitat where the realigned Tromie meets the Invertromie Burn. However, the modelling indicates that there will be a long term significant increase in the extent of these habitats as a result of the realignment. In terms of impacts upon birds, there may be short term effects of disturbance to the birds arising during construction activities. Again, the potential for long term positive effects for some species is identified in terms of wetland enhancement and improvements to habitat diversity and positive impacts on prey species.
22. Likely significant effects are also identified for the River Spey - Insh Marshes RAMSAR site in terms of loss of transition mire habitat where the proposed realigned River Tromie channel meets the Invertromie Burn before emptying into the Spey. However, modelling indicates that there will be a long term significant increase in the extent of this habitat as a result of the realignment works. Short term effects of disturbance to the various bird species, otter and the invertebrate assemblage are identified during construction activities with potential for long term positive effects for some of the species identified in terms of wetland enhancement and improvements to habitat diversity and positive impacts on prey species.
23. The HRA has concluded that these likely significant effects can be satisfactorily addressed by suitable mitigation. This mitigation includes: pre construction protected species surveys, with species protection plans produced identifying appropriate mitigation measures if there is evidence of protected species; timing of



works to avoid Atlantic salmon spawning season and bird breeding season; monitoring of sediment erosion deposition post construction with mitigation to be identified if restricted fish passage is identified; monitoring of hen harrier roost during construction and if active use is identified then working hours adjusted; and submission of construction method statement / construction management plan.

24. On this basis, it is concluded that the conservation objectives of the designated sites will be met and there will not be an adverse effect on site integrity of the designated sites. Nature Scot have confirmed agreement with these conclusions.

## Development plan context

### Policies

National policy	<b>National Planning Framework 4 (NPF4) Scotland 2045</b> (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	X
Policy 6	Forestry, woodland and trees	X
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	X
Policy 15	Local living and 20 minute neighbourhoods	
Policy 16	Quality homes	
Policy 17	Rural homes	
Policy 18	Infrastructure first	X
Policy 19	Heating and cooling	



Policy 20	Blue and green infrastructure	X
Policy 21	Play, recreation and sport	
Policy 22	Flood risk and water management	X
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> (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	X
Policy 4	Natural heritage	X
Policy 5	Landscape	X
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	X
Policy 10	Resources	X
Policy 11	Developer obligations	

25. 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 (LDP). 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

26. Supplementary guidance also supports the LDP 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	X
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	X
Policy 10	Resources non-statutory guidance	X
Policy 11	Developer obligations supplementary guidance	

## Consultations

27. A summary of the main issues raised by consultees now follows:
28. **SEPA** has no objections.
29. **Scottish Water** has no objections, noting that no new connections will be permitted to public infrastructure.
30. **Spey Fishery Board** was consulted and at time of writing no response has been received.



31. **Nature Scot** was consulted as the development lies within an SSSI. They confirmed that there are natural heritage interests of international importance, but they consider these will not be adversely affected by the proposals. They consider that the proposals will have a likely significant effect on the River Spey SAC, Insh Marshes SAC and River Spey-Insh Marshes Ramsar site and note that the CNPA has carried out an appropriate assessment. Nature Scot have concluded that the proposals will not adversely affect the integrity of the sites and that their appraisal took into account the following factors: avoiding disturbance to hen harrier roost or breeding birds; avoiding disturbance to breeding Atlantic salmon; maintaining access for Atlantic salmon moving up and down stream and in-river works using clean and well maintained machinery; and avoiding disturbance to breeding Atlantic salmon.
32. Nature Scot has also confirmed that the Habitat Regulations Appraisal undertaken by the Park Authority is very comprehensive and they have no comments on it.
33. **The Highland Council Flood Risk Management Team** has no objection in relation to flood risk. They note that the proposal is for restoration of an existing reach of the River Tromie to provide a more naturalised channel and help reconnect the flood plain. They are generally supportive of this type of work, noting that the works themselves are water compatible and will by their nature be located in an area which is at risk of flooding. They further note that the applicant's Flood Risk Assessment and associated documents assess the pass forward flow at the downstream end of the site, comparing the pre and post restoration peak flows, along with the flood extents within the Spey / Tromie floodplain. This work has been carried out for a range of return periods including the 1 in 200 year plus climate change event. Based on this information, the Team are content that the works will not impact on flood risk to others.
34. **The Highland Council Historic Environment (Archaeology) Team** is pleased to see the inclusion of archaeological considerations and are happy with the summary and assessment. They advise that should anything of archaeological potential be found during the works, particularly of organic nature given the waterlogged



conditions, then work should be halted whilst these are reported to the Team and any necessary mitigation works agreed.

35. **Cairngorms National Park Authority Outdoor Access Team** noted that the River Spey is designated as a core path and has a Right of Navigation, with the stretch of river between Kingussie and Loch Insh regularly used for recreation by kayaks, canoes and paddleboarders. The Team initially commented that the works to realign the end of the river Tromie would result in a different confluence point with the river Spey and so presumably create a different flow of water in the Spey at this point. They highlighted that there was no information provided as to whether the works were anticipated to cause any potential impacts on the water flow or conditions in the Spey, which may create challenges for recreational users or impact on the ability of paddlers to navigate the river Spey.
36. In response, the applicant has advised that there should be no change overall to the water flow into the Spey as a result of the realignment. They note that the proposed works may potentially slow water flow into the Spey due to the meandering nature of the realignment and that there will be no overall change either to the flow from the Tromie or to river conditions at the confluence of the two rivers. The applicant also noted that modelling shows a very similar rate of flow in the new channel compared to the existing channel and by reconnecting the Tromie with its flood plain this will reduce flashiness in peak flows. Finally, they advised that they discussed the proposals with Loch Insh Watersports and no concerns were raised.
37. The Outdoor Access Team has confirmed that this response adequately addresses their concerns.
38. **Cairngorms National Park Authority Landscape Officer** has no comments in respect of landscape and visual matters. The officer notes that whilst some removal of vegetation may be necessary during the construction phase, in the longer term the proposal will create a more natural river alignment which will have beneficial effects on landscape character.





39. **Cairngorms National Park Authority Ecology Officer** has considered the impacts on protected species, trees, habitats and species, and nationally protected areas, concluding that any impacts can be mitigated by suitable planning conditions. These include: provision of a Construction Method Statement / Construction Management Plan to include site-specific pollution prevention measures, sediment management plan and biosecurity measures in order to protect the river environment and the interests of the River Spey SAC; updated protected species survey prior to works commencing with any mitigation required identified; timing of works to avoid Atlantic salmon spawning season; timing of works to avoid bird breeding season or if not possible then pre start walkover required along with submission of any bird protection plans required; and monitoring of hen harrier roosts.
40. The officer has highlighted that opportunities for biodiversity enhancement have been included. The proposed development will allow more natural geomorphological processes to take place and improve connections between the channel and its floodplain. The proposal includes features designed to enhance habitat diversity within the river channel which should increase the extent and quality of habitat suitable for Atlantic salmon, sea lamprey, otter and fresh water pearl mussel which are the qualifying Interests of the River Spey SAC / SSSI. The works will also deliver improvements to the floodplain habitats surrounding the new river channel, including expansion of transition mire habitat (a qualifying feature of Insh Marshes SAC), that should benefit many wetland species such as spotted crane and otter.
41. **Kincraig Community Council** was consulted and at time of writing no response has been received.

## **Representations**

42. The application was advertised in the local press, and no representations have been received.

## **Appraisal**

43. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This comprises the Cairngorms National



Park Local Development Plan 2021 (LDP) and National Planning Framework 4 (NPF4). Where there is conflict between policies, NPF4 policies take precedence.

44. The main planning considerations in this case are the principle of development, landscape, environmental and biodiversity impacts, flood risk, transport and outdoor access, amenity, and cultural heritage. These are considered in detail below.

### **Principle - sustainability and climate change**

45. **NPF4 Policy 1: Tackling the climate and nature crises** seeks to ensure that significant weight is given to the global climate and nature crises when considering all development proposals, whilst **NPF4 Policy 2: Climate mitigation and adaptation** seeks to encourage development that adapts to the current and future impacts of climate change. **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. **NPF4 Policy 4: Natural places** seeks to protect, restore and enhance natural assets making best use of nature-based solutions, whilst **NPF4 Policy 20: Blue and green infrastructure** seeks to protect and enhance blue infrastructure and its networks.
46. Similarly, **LDP Policy 3: Design and Placemaking** also requires new development to minimise the effects on climate change in terms of siting and construction and to make sustainable use of resources. **LDP Policy 10: Resources** also seeks to ensure that development does not result in deterioration of water resources and avoids unacceptable detrimental impacts on the water environment, seeking to improve it where possible.
47. 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. It will also protect neighbouring agricultural land at Dell of Killiehuntly from flooding, directing water to the Insh Marshes nature reserve and wetlands which should improve climate change resilience. As a result, the principle



of the proposed development is considered to wholly support the objectives of NPF4 and LDP planning policies.

## **Landscape impacts**

48. **NPF4 Policy 4: Natural places** sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. **LDP Policy 5: Landscape** sets out similar objectives with a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the National Park. **NPF4 Policy 14: Design, quality and place** also 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. Similarly, **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.
49. The proposed alterations to the course of the river will result in a more natural river feature in keeping with the surrounding area with no loss of landscape features, as only minimal trimming of trees will be required. It is therefore considered that the proposal will conserve and enhance the landscape character and special landscape qualities of the National Park and is consistent with all the qualities of a successful place. As such, the proposal is considered to comply with relevant NPF4 and LDP planning policies.

## **Environmental and biodiversity impacts**

50. **NPF4 Policy 3: Biodiversity** requires that development proposals contribute to the enhancement of biodiversity including, where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. They should also integrate nature-based solutions where possible. **NPF4 Policy 4: Natural places** does not support development which will have an unacceptable impact on the natural environment, or which will have a significant effect on European Site designations. **NPF4 Policy 20: Blue and green infrastructure** sets out that development which results in fragmentation or net loss



of existing blue and green infrastructure will only be supported where it is demonstrated that the proposal would not result in or exacerbate a deficit of blue or green infrastructure provision, and the overall integrity of the network will be maintained. Developments which incorporate or enhance blue and / or green infrastructure will be supported, with effective management plans required.

51. Similarly, **LDP Policy 4: Natural Heritage** requires new development to have no adverse effects on the integrity of designated sites, the National Park, or on protected species or habitats. **Policy 3: Design and Placemaking** also requires development to create opportunities for further biodiversity and to promote ecological interest.
52. The proposed development will enhance biodiversity by creating a new river channel alignment that mimics nature and will create enhanced habitats for the species in this area, as well as expanding transitional mire over time. The Park Authority's Ecology Advisor is satisfied with the submission subject to appropriate planning conditions being attached to any planning permission relating to construction management plans, preconstruction surveys, and monitoring of any hen harrier roosts to ensure that any temporary impacts from construction works are satisfactorily mitigated.
53. With regard to impacts on designated sites, as noted in the HRA section of this report, there will not be an adverse effect on the integrity of the relevant sites subject to appropriate mitigation. These measures can all be secured by appropriate planning conditions.
54. In these overall circumstances, the development is considered to comply with NPF4 and LDP policies subject to conditions to ensure that any impacts on designated sites at the construction stage are suitably mitigated and that ongoing monitoring of the impacts of the river works is secured.
55. Finally, no trees are to be felled and the proposals therefore comply with **NPF4 Policy 6: Forestry, woodland and trees** which supports development that enhances, expands and improves woodland cover with any woodland removal



only supported where there are clear and significant public benefits and compensatory planting is provided.

## **Flooding issues**

56. **NPF4 Policy 22: Flood risk and water management** explains that development proposals at risk of flooding or in a flood risk area will only be supported if they fall into a series of categories including water compatible uses. The policy sets out that development proposals must not increase the risk of surface water flooding to others. **NPF4 Policy 20: Green and blue infrastructure** supports development which incorporates new or enhanced blue and / or green infrastructure with proposals for their future management to be included.
57. **LDP Policy 10: Resources** requires development to ensure no detrimental impacts on the water environment as well as to be free from flood risk and not increase the risk of flooding elsewhere.
58. The proposed development is intended to improve river and floodplain connectivity whilst also reducing the risk of waters bursting the east bank of the river towards Dell of Killiehuntly. This is considered to be a water compatible use as set out in NPF policy 22 on Flood Risk and Water management. The technical consultees (SEPA and the Highland Council Flood Risk Management Team) have no objections to the proposals and are satisfied that there are no flood risk issues, with the Flood Risk Management Team noting their support for this type of proposal. In these circumstances, it is considered that development complies with relevant NPF4 and LDP policies.

## **Transport and outdoor access**

59. **NPF4 Policy 13: Sustainable transport** supports new development where it is in line with the sustainable transport and investment hierarchy and adequately mitigates any impact on local public access routes. **NPF Policy 18: Infrastructure first** also requires the impacts of development on infrastructure to be mitigated.
60. **LDP Policy 3: Design and placemaking** requires development to have an appropriate means of access, promote sustainable transport methods and active travel. It also requires new development to maintain and maximise all opportunities



for responsible outdoor access including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan.

61. In this case no new access from the public road network is proposed, with all works carried out within the landholding of the RSPB with no constructed roads formed. Consequently, there are no impacts on the public road network or local infrastructure. With regard to public access, the River Spey is a core path. However, it will not be adversely impacted by the works which should not impact upon the recreational use of the river by water users, and the technical consultee (Park Authority Outdoor Access Team) are satisfied with the proposals.
62. In these circumstances the application is considered to comply with relevant NPF4 and LDP planning policies.

### **Amenity**

63. **NPF4 Policy 23: Health and safety** sets out that development which is likely to have a significant adverse effect on health or air quality, or which is likely to raise unacceptable noise issues will not be supported. **LDP Policy 3: Design and Placemaking** requires new developments to protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site.
64. In this case there are not considered to be any particular amenity issues, with residences in this rural location being located a considerable distance from the development, and the operational stage is not considered to have any residential amenity impacts. In addition, the proposed works will be carried out over a short time period and construction disturbance would be limited in any event. On this basis, the application is considered to comply with the relevant policies.

### **Cultural heritage**

65. **NPF4 Policy 7: Historic assets and places** notes that where there is potential for non-designated buried archaeological remains to exist below a site, developers should provide evaluation of the site an early stage. **LDP Policy 9: Cultural Heritage** also sets out similar requirements.





66. The technical consultee (Highland Council Archaeology Team) has no objections in respect of local archaeological interest. They have simply advised that should anything of archaeological potential be found during the works, particularly of organic nature given the waterlogged conditions, then work should be halted whilst these are reported to the Team and any necessary mitigation works agreed. An appropriate informative can be attached to cover this. On this basis, the development is considered to comply with relevant NPF4 and LDP planning policies.

## **Conclusion**

67. This proposed development to realign a section of the River Tromie to a more natural line will be of benefit to the surrounding environment, landscape and habitats. This is considered to fully comply with relevant NPF4 and LDP planning policies and there are no material considerations which outweigh this conclusion. Any potential impacts can be satisfactorily mitigated by appropriate planning conditions and approval is recommended on this basis.

## **Recommendation**

**That members of the committee support a recommendation to APPROVE the application for the Realignment of 400m of River Tromie at Land 670M NW Of Dell of Killiehuntly Farmhouse Kingussie, 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 development (including ground preparation works) shall commence until an updated pre-construction protected species survey of the proposed development site and surrounding area has been undertaken by a suitably experienced surveyor following NatureScot guidance ([Planning and development: standing advice and guidance documents | NatureScot](#)) and the results submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Should this survey find evidence of any protected species, Species Protection Plans identifying appropriate mitigation measures based on the survey results shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, and all mitigation measures shall thereafter be implemented in accordance with the approved details. The protected species survey should include badgers, bats (focussing on trees which may need to be pruned/coppiced), beaver, otter, pine marten, water vole and wild cat.

**Reason:** to ensure that there are no adverse effects on protected species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

3. No development shall commence on site until a site-specific Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CEMP shall include, but not be limited to, the following information.
  - a) Details of an appointed Environmental Clerk of Works (ECOW), their remit, scope of their work, and reporting and monitoring schedule
  - b) Information (including plan if necessary) to confirm that existing trees will be excluded and protected from the construction site
  - c) Details of water management to prevent run off from the site during construction work
  - d) Site specific pollution prevention measures to protect the water environment from all sources of pollution (sediment, oils, fuels, etc.)
  - e) Sediment management plan
  - f) Details of biosecurity measures
  - g) Details of timetable of monitoring of hen harrier roost



- h) Waste and Soil Management Plan including details of the management / storage of soil and construction materials and confirmation that there will be no spreading of soil in the flood plain.**

**All work shall thereafter proceed in accordance with the approved details with monitoring reports from the ECOW provided to the Cairngorms National Park Authority in accordance with the agreed monitoring schedule.**

**Reason:** To protect the water environment and River Spey Special Area of Conservation from pollution events, sediment mobilisation or disease caused during construction and to ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the natural heritage of the National Park, including NATURA interests and protected species, or any pollution of watercourses in accordance with Policy 4: Natural Places, Policy 3: Biodiversity, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

- 4. The timing of the construction work shall avoid the Atlantic salmon spawning season (mid-October to February)**

**Reason:** to minimise potential construction phase impacts on qualifying interests of the River Spey Special Area of Conservation and to ensure that there are no adverse effects on species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

- 5. The timing of construction work shall avoid the breeding bird season (March to mid-August inclusive). If this is not possible then no development (including ground preparation works) shall commence on site until a pre-start walkover of the site has been undertaken by a suitably experienced and licensed professional to identify sign of breeding birds with an appropriate breeding bird protection plan submitted to and approved in writing Cairngorms National Park**



**Authority acting as Planning Authority. Development shall thereafter proceed in accordance with the approved plan.**

**Reason:** to minimise impacts on breeding birds in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

6. **No development shall commence on site until details of the proposed monitoring of sediment erosion / deposition within the new channel for at least 5 years post-construction have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details to reflect the requirement to ensure that flow depths are sufficient for fish passage through the realigned channel and shall include details of the timetable for submission of monitoring reports. If the ongoing monitoring identifies restricted fish-passage (both up and down the watercourse) in average flows for a period lasting more than 6 months, then details of proposed mitigation/ adjustments to be developed in consultation with a geomorphologist to restore fish passage shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. All monitoring, reporting and mitigation works shall thereafter be undertaken in accordance with the approved details**

**Reason:** to ensure the free passage of Atlantic salmon which are qualifying interests of the River Spey Special Area of Conservation and to ensure that there are no adverse effects on species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

7. **Work on site should not begin until at least 1 hour after sunrise and work on site should finish 1 hour before sunset.**

**Reason:** Due to the potential presence of an active Hen Harrier roost within the River Spey -Insh Marshes Special Protection Area (SPA) and to prevent



disturbance of a qualifying interest of the SPA and the River Spey – Insh Marshes RAMSAR site in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

- 8. No development shall commence on site until existing trees have been suitably protected in accordance with the details approved in the Construction Environment Management Plan.**

**Reason:** To ensure the ongoing protection of trees in accordance with Policy 3: Biodiversity, Policy 4: Natural Places, Policy 22: Flood Risk and Water Management and Policy 6: Forestry Woodland and Trees of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 10: Resources and Policy 5: Landscape 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.

3. The person undertaking development should note the comments of the Highland Council Historic Environment (Archaeology) team that should anything of archaeological potential be found during the works, particularly of organic nature given the waterlogged conditions, then work should be halted while these are reported to the Team and any necessary mitigation works agreed – telephone 01463 211749