



Committee report

Development proposed:

Construction of flood defence bund at Land 110M NE Of Scottish Water
Dalwhinnie

Reference: 2025/0143/DET

Applicant: Dalwhinnie Flood Resilience Group

Date called-in: 23/06/2024

Recommendation: Approve subject to conditions

Case officer: Katherine Donnachie, Planning Officer



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Site description, proposal and history

Site description

1. The application site is located at Dalwhinnie between a small housing development at Truim View and the River Truim itself. There are other residential properties south of Truim View and adjacent to the A889 road which lies to the west. The A9 lies to the far east on the other side of the river, with sloping land in between. A Scottish Water treatment works lies to the south and there has been some disturbance of ground to facilitate works in and around that facility in the past. Further south there is an electricity substation and beyond that the Loch Ericht hotel.
2. The site is presently undulating rough land with some tree cover. The river has been straightened historically in this area and is more braided in appearance downstream further north. It is located within an area identified on SEPA's flood maps as having a high likelihood of river flooding. Electricity lines cross the site.
3. The adjacent River Truim is part of the River Spey Special Area of Conservation (SAC) designated for its freshwater pearl mussels, Atlantic salmon, otter and sea lamprey interests. Part of the site runs through the SAC.
4. There are no listed buildings within the immediate vicinity.

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:
<https://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SXY54OSI0CP00>



Title	Drawing Number	Date on Plan*	Date Received
Plan - Site Location	160343/9 100 Rev A	14/04/25	07/11/25
Plan - Section Plan	160343/9 106	29/05/25	07/11/25
Plan - Proposed Flood Defence Bund: Sheet 1 of 4	160343/9 101 Rev C	15/04/25	07/11/25
Plan - Proposed Flood Defence Bund: Sheet 2 of 4	160343/9 102 Rev A	15/04/25	07/11/25
Plan - Proposed Flood Defence Bund: Sheet 3 of 4	160343/9 103 Rev B	15/04/25	07/11/25
Plan - Proposed Flood Defence Bund: Sheet 4 of 4	160343/9 104 Rev B	15/04/25	07/11/25
Plan - Proposed Flood Defence Bund With Aerial Imagery - Sheet 1 of 4	160343/9 111	03/11/25	07/11/25
Plan - Proposed Flood Defence Bund With Aerial Imagery - Sheet 2 of 4	160343/9 112	03/11/25	07/11/25
Plan - Proposed Flood Defence Bund With Aerial Imagery - Sheet 3 of 4	160343/9 113	03/11/25	07/11/25
Plan - Proposed Flood Defence Bund With Aerial Imagery - Sheet 4 of 4	160343/9 114	03/11/25	07/11/25
Other - Flood Risk Assessment - River Truim at Dalwhinnie		01/01/24	23/06/25
Other - Flood Mitigation and Adaptation Measures	CL Project 027	01/04/25	23/06/25
Other - Technical Memo		01/03/24	29/07/25
Other - Extended Phase 1 Habitat And Protected Species Survey and Assessment Report		29/10/25	07/11/25



Other - Dalwhinnie Flood Mitigation - Supplementary Supporting Statement		03/11/25	07/11/25
Other - Agent Letter to Flood Team			29/07/25
Other - Agent Letter to Roads Team			29/07/25
Other - Agent Letter to Planning Team			29/07/25
Other - Dalwhinnie Addendum with FRA		01/01/26	19/01/26
Other - Addendum difference at WWTW			19/01/26

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

6. The proposed development seeks full planning permission to form a flood defence bund and flood relief channel between housing at Truim View and the River Truim. There is an existing bund comprising gravel embankment and wall in this area running along the west of the site. It is understood this was constructed many years ago but is no longer maintained by the Highland Council and is not providing the required level of protection for flood events. This feature, which is discrete in the landscape, will be retained as existing with the new development created further east.
7. The proposed bund will be approximately 1 to 1.5 metres high and 5 metres wide at its base and will run from just north of Truim View to the rear of the water treatment works. The northern section will cross over an existing track leading to drainage infrastructure with ramped access maintained over this. The bund runs south along the rear of Truim View, on the opposite side of the access road to this housing. It stops for a short section at the rear of 4 Truim View where there is existing small knoll feature, then continues southwards for a short section to run along the rear of other properties Glenisla, Glenlochsie and Truim Bank. A further bund will be formed to the east of the aforementioned knoll to then run south to the water treatment works.



8. In terms of construction, the applicants have advised that due to granular soils here they would need to do sheet piling which would need to be very deep. So instead, they propose to dig a trench along the line of the bund and line it with a clay liner to act as an impermeable barrier to flow below the bund and to mitigate any seepage. The height of the bund is designed to be 300mm higher than the maximum modelled water level for a 1 in 200 year event. There will be boulders on the river side toe of the bund to create a stable scour resistant face.
9. A drainage / flood relief trench is proposed between the bund and the river which will follow and enhance existing depressions in the landscape. This will mitigate flows by providing a controlled pathway redirecting water to the flood plain beyond, along with providing storage. It will vary in depth from 0.5 to 0.8 metres and will be around 0.6 metres wide. There will be no works within the river itself.
10. The applicants have explained that the bund is designed as passive earthworks with low maintenance requirements. It is intended that both the bund and channel will be micro sited to ensure minimal environmental impacts, with the channel intended to be designed to create additional habitat diversity.
11. The applicants have submitted a number of supporting documents as follows:
12. Flood Mitigation and Adaption Document – this explains why flood defences are needed, with more flooding predicted now due to climate change, including on the west side of the A889 so presenting increased flood risk. It also explains why the direct defence option was considered to be the most appropriate, and that following initial Kaya Consulting proposals, it was decided to maximise the distance between the river and the bund to reduce any potential for upstream and downstream effects.
13. Flood Risk Assessment (FRA) – commissioned by the Dalwhinnie Flood Resilience Group to consider the current risk of flooding and flood mitigation options. It notes that old maps showed the Truim used to be more



meandering suggesting it was straightened in the past, perhaps to protect the road or properties, with the changes in meanders suggesting it is a dynamic river. It explains the modelling illustrates that, as flows increase, water is predicted to exceed the gravel bank adjacent to Truim View and spill west flooding these properties. The modelling also predicts that this will exceed the left bank of the river by the substation, spilling onto the A889 and properties beyond. The various options considered are explained, such as storing water in upper reaches of the river and natural flood management, with opportunities considered to be limited due to the steep nature of the topography. Property level protection was considered to only protect to fairly shallow levels such as 0.5 metres, whilst flood warning systems are not a protection measure but rather a warning measure with the possibility of linking a scheme to the SSE gauging station if they were involved. The FRA also explains why dredging is not an option in environmental terms and in relation to impacts on riverbanks and downstream infrastructure.

14. Technical Memo by Kaya Consulting – this includes further flooding information and explains that construction of a bund would result in changes to flood depths and velocities within the modelled reach area, reducing flood depths within the built-up area of Dalwhinnie and increasing depths marginally in other areas as a result. These impacts would not extend upstream of the service station or downstream of the distillery, with no properties on the right hand side of the river (looking downstream) to impact upon.
15. Additional information on flood risk – this has been provided to address points raised by the technical consultees and includes explanatory letters and an addendum to the FRA providing the additional information sought in relation to different ranges of flood events.
16. Supplementary Supporting Statement – this explains the history of the development of the Dalwhinnie Flood Resilience Group and how the group has worked with local stakeholders and the community to develop these proposals. It also outlines their aspiration that the defences be formally adopted.



17. Extended Phase 1 Habitat and Protected Species Survey and Assessment Report – this sets out that the site is primarily poor semi-improved grassland with tall ruderal vegetation of low ecological value and scattered trees. To compensate for loss of grassland, it is recommended that native species rich wildflower mixes are sown at suitable locations and that trees are retained where possible with further riverside planting of water tolerant native trees to slow water flow in the flood plain.

18. The survey considered that there is negligible bat roost potential in trees; low impact to amphibians, reptiles and small mammals; and low to negligible potential for impacts on badger, beaver, red squirrel, pine marten, wildcat, otter or water vole. A single otter spraint was recorded in the area. Detailed recommendations for mitigation and enhancement are outlined, including: provision of Construction Environment Management Plan; planting of trees and shrubs; enhancing grassland; pre-construction otter survey and recommendations for reducing potential disturbance; briefing of workers and measures to avoid mammal entrapment; care to check for amphibians, reptiles, small mammals and nesting birds; and installation of bat and bird boxes.

History

19. There are no planning applications on the site itself, but there have been some applications in the vicinity as follows:

20. 05/00163/REMBS (approval of reserved matters) - Erection of four dwellings at Land Adjacent to Village Hall approved by the Highland Council. (This the Truim View development).

21. Developments at the waste-water treatment works to the south are as follows, all approved by the Highland Council:
 - a) 07/00333/FULBS - Installation of pump sump, sand filter and limestone contactor.
 - b) 18/05596/FUL - Erection of new water treatment works comprising two treatment buildings, hard standings & site landscaping.



- c) 21/04075/FUL Construction of new Water Treatment Works (Amendment to 18/05596/FUL) - this involved a slightly bigger site to accommodate some additional infrastructure.

22. Developments on the opposite (south-east) side of the river are as follows, all approved by the Highland Council:

- a) 2018/05623/FUL - Installation of private access track to service public water supply boreholes with local landscaping and chamber covers at Land 275M East Of Waste Water Treatment Works Dalwhinnie.
- b) 2018/01364/FUL- Formation of access track, sinking of 4No. boreholes, ground re-profiling, fencing at land 275M East Of Waste Water Treatment Works Dalwhinnie.

Habitats Regulations Appraisal

23. 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 site in this case is the River Spey Special Area of Conservation (SAC) designated for its Atlantic salmon, freshwater pearl mussels (FWPM), sea lamprey and otter interests.

24. The HRA notes whilst there are no in-channel works, the proposal involves construction of flood defence bunds next to the River Truim, together with a drainage ditch which may be a route for construction phase mobilised sediment or pollution to enter the watercourse. It is considered 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 including potential for disturbance of any holts or resting sites, and indirect impacts through potential change in water quality and impacts on prey species. There is also potential for operational phase loss of habitat as the proposed drainage ditch crosses into terrestrial habitat within the SAC.

25. With regard to freshwater pearl mussel, NatureScot has advised that whilst a FWPM survey was not carried out it is very unlikely that there would be any this far up the catchment so no likely significant effects are predicted. This is



also considered to be the case for sea lamprey. In terms of Atlantic salmon, it is considered that there may be short term effects during construction through release of sediment mobilised from riverbanks that could smother Atlantic salmon spawning gravels downstream from the site as well as potential impacts from any fuel spills. NatureScot has also advised that there may be potential impacts on salmon habitats as a result of the bunds limiting the flood plain and constraining the watercourse which may result in uncertain changes in the force of the water within the watercourse.

26. The HRA has concluded that these likely significant effects can be satisfactorily addressed by suitable mitigation. This mitigation includes preconstruction protected species surveys together with production and implementation of an otter species protection plan identifying appropriate mitigation measures if there is evidence of protected species; timing of works to avoid Atlantic salmon spawning season; and submission of pollution prevention plan. Potential impacts arising from any localised changes to force of flow in the river are not considered to impact on the integrity of the designated site because of the restricted length of river affected, the limited impacts on water storage capacity in the floodplain due to the proposed works being set back from the river, and the fact that the river is already mobile especially downstream whereby there should not be a change in geomorphology.
27. 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. NatureScot have confirmed agreement with these conclusions.

Development plan context

Policies

National policy	National Planning Framework 4 (NPF4) Scotland 2045 (Policies relevant to the assessment of this application are marked with a cross (x))	
	Policy 1	Tackling the climate and nature crises
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	x
Policy 11	Energy	
Policy 12	Zero waste	
Policy 13	Sustainable transport	x
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	x
Policy 24	Digital infrastructure	
Policy 25	Community wealth building	x
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	



Strategic policy	Cairngorms National Park Partnership Plan 2022 – 2027	
Local plan policy	Cairngorms National Park Local Development Plan (2021) (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	

28. 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

29. Supplementary guidance also supports 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	x
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

30. A summary of the main issues raised by consultees now follows:
31. **SEPA** was consulted as the site lies within an area of flood risk. They noted that they are generally supportive of actions to manage flood risk providing this does not result in increased risk for others as required by NPF4 Policy 22. They initially lodged a holding objection due to lack of information to demonstrate that there would be no increased flood risk elsewhere or a need for future flood protection schemes.
32. Further information initially provided by the applicant did not address all of SEPA's concerns, however on receipt of an addendum to the FRA in January 2026 (which included modelling at impacts at the wastewater treatment works) SEPA have withdrawn their objections. They advise that this has satisfactorily demonstrated that the proposed flood defence bund would not have a significant detrimental impact on flood risk to surrounding receptors and that the risk to properties when overtopped would not result in increased flood levels. Outwith the area of benefit there are some areas at increased risk of flooding, but this is mostly limited to the watercourse itself and areas immediately adjacent where there are no receptors.
33. SEPA have highlighted that given the informal nature of this flood defence bund, their flood maps will not be updated to take account of it. Additionally, the defences will not be taken into account when determining planning applications, and any Flood Risk Assessments for future development will need to take account of flood risk in the absence of the protection offered by



the bund. They have also noted that whilst the flood level in the area of benefit is generally reduced, when the capacity of the bund is exceeded it may be that water is held in the area for longer. They therefore recommend that this is considered within the design and construction of the bund. Also, any breach of defence should be considered within any maintenance arrangements. These matters can be included as an informative to any consent.

34. **SSEN (distribution)** have advised that some of the bunds are in proximity to 33 KV overhead lines. They note that staff and contractors must adhere to the requirements of their GS6 document “Avoiding danger from overhead lines”. New bunds should not alter current ground levels to overhead conductor clearance.
35. **Scottish Water** has no objections. They note that they have live infrastructure in the area whereby the applicant must contact them for an appraisal of the proposals, and they should be made aware that any conflict with assets identified will be subject to restrictions on proximity of construction. They have also advised that the development lies within two drinking water catchment areas where they abstract water via two wells which supply the Dalwhinnie Water Treatment Works. They have concluded that in view of the presence of the River Truim between the water sources and the new bund, and because almost all of the bund is to be located downstream from the wells, the sources are not at risk from the bund construction works.
36. **Transport Scotland** have no objections subject to a planning condition requiring a construction traffic management plan to control the use of direct access onto the trunk road.
37. **NatureScot** was consulted as the site lies partly within the River Spey SAC. They advise that there are natural heritage interests of international importance on the site, but these will not be adversely affected by the proposals. They agree with the conclusions of the Park Authority’s Habitats Regulations Appraisal that there will be no impact on the integrity of the designated site subject to conditions.



38. **Highland Council Flood Risk Management team** welcomed the proactive approach of the community and the principle of the scheme. However, they initially objected on the grounds of lack of information regarding any negative impacts on flood risk once the scheme was in place; flood modelling at all return event periods; consideration of pluvial flow; and consideration of the design of the proposed cut off below the embankment to address any flow percolating. Following receipt of an addendum to the FRA in January 2026, the Team has confirmed that their concerns have been addressed and that their objection is removed. They advise that the addendum demonstrates acceptable changes in flood risk and a reduction in flood risk for the majority of properties in the area. Whilst there are some increases in flood depth outwith the flood bund area of protection, these increases are considered to be minor and within model and ground level tolerance.
39. **Highland Council Transport team** initially sought further information on how the site would be accessed as there were two potential access routes, one from Trium View (which is accessed off the A889) and one from the Scottish Water Treatment Works further south. The applicants provided further information confirming that the access from Trium View is to be used for construction traffic and that this is supported by the local community who are the intended beneficiaries of the scheme, with formal permission to use it to be secured by the contractors. They also provided an estimate of construction traffic volumes, which equate to around 65-75 HGV loads using standard 20 tonne tipper trucks. Based on a four-week construction programme, this would equate to 3-4 two-way HGV movements per working day. The Transport Team consider these levels to be a low intensity and manageable level of traffic for temporary works of this nature. They further note that the applicant is agreeable to providing a Construction Traffic Management Plan (CTMP) and has provided post development flooding modelling and technical analysis which indicates that there will not be adverse impacts on the public road network or third-party land. In these circumstances the Team has no objections to the proposals subject to a planning condition to secure a CTMP.
40. **Highland Council Archaeology team** has noted that although no historic environment sites are recorded within the application boundary, there



remains the potential for buried features or finds to be impacted by this development. As a precaution, site clearance work should be done under archaeological supervision. Accordingly, they have no objections subject to a condition addressing this.

41. **Cairngorms National Park Authority Landscape Officer** considers that there would be negligible landscape and visual effects, noting that the development would be located close to existing buildings and water treatment works in Dalwhinnie. It is further noted that the River Truim here is already modified to some degree by an existing bund and other works. There would be no intrusion from the A9 due to the relatively small size of the bund, with this part of the River Truim not readily visible due to screening provided by landform and vegetation. Existing buildings and vegetation would screen views of the development from the A889 and from the railway further west. In these circumstances, the officer has no objections to the proposal and recommends follow up sowing of local provenance grasses and wildflowers on the bund and surrounding disturbed area should establishment of seed within the reserved topsoil be poor. It is also recommended that consideration be given to planting native trees and shrubs in the general area of the works.

42. **Cairngorms National Park Authority Ecology Officer** noted that there are trees on the site. Although the development should not result in loss of trees, tree protection measures will be required for the trees close to the new development. As the site is close to the River Truim, which is part of the River Spey SAC, there is potential for impacts upon this designated site at the construction stage. Such impacts can be mitigated by the implementation of measures such as production of a Construction Environment Management Plan (CEMP), which should include a site-specific pollution prevention plan. The ecology surveys have demonstrated that there were no protected species on site, but there was an otter spraint found upstream. Pre-construction checks will be needed together with an Otter Species Protection Plan. Working outwith the breeding bird season would avoid impacts on breeding birds, or if this is not possible nesting checks will be required. There are various measures which will also reduce any impacts on other priority species such as scabious mining bees and damselflies. Planning conditions should be



attached to address these matters in the event of the application being approved.

43. The Officer also advises that biodiversity enhancement measures have been set out in principle in the applicant's supporting ecology reports, including riparian tree planting, sowing of wildflowers and provision of bird and bat boxes. A biodiversity enhancement plan can be secured by planning condition to provide more detail, including locations and ongoing monitoring and maintenance.
44. **Dalwhinnie Community Council** note that the applicant has engaged constructively with the community council and the wider village residents. They are satisfied that the proposals will offer meaningful protection to properties and infrastructure which have been historically vulnerable, with the design reflecting local concerns and incorporating practical, environmentally sensitive interventions. They fully support the proposals and believe they offer clear benefit to the community by enhancing resilience, safeguarding homes and amenities and contributing to long term sustainability.
45. **Spey Fishery Board** has been consulted and has no objections.

Representations

46. The application has been advertised and no representations have been received.

Appraisal

47. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP). Where there is conflict between policies, NPF4 policies take precedence.
48. The main planning considerations in this case are: the principle of development; flooding issues; landscape impacts, siting and design;



environmental and biodiversity impacts; transport and outdoor access issues; amenity issues; cultural heritage; and climate change impacts. These are considered in detail below.

Principle

49. **NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings**, states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Also of some relevance in this case is **NPF4 Policy 25: Community wealth building** which sets out that development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported, noting that this could include improving community resilience.
50. In this case the proposed application site lies outwith the settlement boundary of Dalwhinnie as designated in the LDP. It is a greenfield site not allocated for development, where there is a presumption against development unless it is supported by other policies. The matter of compliance with other policies will be considered later in this report, but in practical terms this flood defence project requires to be located beside the area at risk of flooding with no real option to site it elsewhere within the settlement boundary. Furthermore, it is a community led project which seeks to address existing and future flooding issues in the village thereby improving community resilience.
51. As such, the principle of a flood defence scheme on the edge of the village is acceptable in general policy terms, subject to the detail of siting, design, servicing and flood prevention issues being satisfactory. These will now be considered.

Flooding issues

52. **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. These include water compatible uses. Water compatible uses are defined in Annex F of NPF4 and



include flood control infrastructure. Policy 22 also highlights that development must not increase the risk of flooding to others, and that all rain and surface water should be managed through sustainable urban drainage systems (SUDS) with areas of impermeable surfaces minimised. It also highlights that proposals which create, expand or enhance opportunities for natural flood risk management including blue and green infrastructure will be supported. **NPF4 Policy 20: Green and blue infrastructure** is also of some relevance. This supports development which incorporates new or enhanced blue and / or green infrastructure with proposals for their future management to be included.

53. **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.
54. The proposed development seeks to construct a flood defence bund to protect existing residential properties in Dalwhinnie from existing and future flood risk, and to form a flood relief channel to provide some storage as well as directing waters to the flood plain. As outlined in Annex F of NPF4, flood control infrastructure is a water compatible use and is therefore acceptable in policy terms, subject to the scheme delivering the desired flood protection objectives.
55. Policy 22 requires that in such cases it must be demonstrated that: all risks of flooding are understood and addressed; there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; the development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate the effects of climate change.
56. In this case the technical consultees (SEPA and the Highland Council Flood Risk Management Team) have considered the proposals in detail and, on receipt of further information from the applicants, have confirmed that they have no objections to the proposals.



57. The submission is considered to be clear on its understanding of flooding in the area as required by policy. In addition, it is considered that the flood relief ditch which uses and connects existing depressions and features here has potential to contribute towards the intent of NPF4 Policy 20: Green and blue infrastructure by providing new / enhanced blue infrastructure.
58. In these overall circumstances, it is considered that the proposal complies with relevant NPF4 and LDP policies.
59. The applicants have outlined their aspiration that the defences be formally adopted. However, as noted in the consultation section of the report, the technical consultees have explained that the defences are considered to be informal ones and will not be adopted by the Local Authority, nor will the protection they offer be considered in the context of decision making for any future built development proposals in the area. The applicants are aware of this conclusion, and it can be highlighted again by informative.

Landscape impacts, siting and design

60. **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, or 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.



61. In this case, as noted by the Park Authority's Landscape Advisor, the proposed development is considered to have negligible landscape and visual effects, being located close to existing buildings and water treatment works in the village. Additionally, the river here is already modified to some degree by an existing bund and other works, with this part of the River Truim not readily visible from adjacent roads and the railway due to screening provided by landform, buildings and vegetation.
62. At present the land involved is rough grassland with some clumps of trees. There is potential, subject to micro-siting and care with final seeding of the bunds, for the development to offer landscape benefits, also by securing more riverside native tree planting with ongoing management and maintenance. The proposed relief ditch in essence joins up existing depressions in the ground form and will have little landscape impact other than offering potential, with careful seeding, to enhance the immediate surroundings.
63. In these circumstances it is considered that, subject to appropriate planning conditions regarding final landscaping, planting and detailing, 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, it is considered to comply with relevant NPF4 and LDP planning policies.

Environmental and biodiversity impacts

64. **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, which include Special Areas of Conservation and Sites of Special Scientific Interest. **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. 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.

65. The proposal involves development on rough land to create a flood defence bund and associated relief channel beside the River Truim. The scheme has been designed to maximise the distance from the river and to avoid loss of existing vegetation and trees. The supporting ecological material has set out how biodiversity enhancements could be delivered, including riparian planting, provision of bat and bird boxes and use of wildflower seeds on disturbed areas. There is also potential for the relief channel design to deliver areas of wetland which would be beneficial to the surrounding area, potentially creating enhanced habitat over time.
66. 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 Environment Management Plans, and preconstruction surveys to ensure that any temporary impacts from construction works are satisfactorily mitigated. The officer also recommends that conditions be attached to secure the implementation of biodiversity enhancements.
67. With regard to impacts on designated sites, as noted in the Habitats Regulations Appraisal (HRA) section of this report, it has been concluded that there will not be an adverse effect on the integrity of the designated site (River Spey SAC) subject to appropriate mitigation including timing of works to avoid salmon spawning season, provision and implementation of pollution prevention measures and pre construction surveys with an otter species protection plan provided as necessary. These measures can all be secured by appropriate planning conditions.



68. Finally, it is understood that the development is to be micro sited to ensure that no trees will need to be felled whereby the proposals do not conflict 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. Further tree planting is required in any event for landscape and biodiversity reasons, and existing trees will require to be protected during construction.
69. In these overall circumstances, it is considered that satisfactory measures are proposed to safeguard features and species of interest in and around the site and to deliver appropriate biodiversity enhancements and protection of trees. Accordingly, the development is considered to comply with relevant NPF4 and LDP policies subject to conditions.

Transport and outdoor access

70. **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.
71. **LDP Policy 3: Design and placemaking** requires development to have an appropriate means of access, and to promote sustainable transport methods and active travel. It also requires new development to maintain and maximise all opportunities for responsible outdoor access.
72. In this regard no new access from the public road network is proposed, with the existing private access road serving the houses at Truim View to be used. This is considered acceptable by the technical consultees (Highland Council Transport Team and Transport Scotland) subject to a condition being attached to secure a Construction Traffic Management Plan. There are no other impacts on public access.



73. In these circumstances the application is considered to comply with relevant NPF4 and LDP planning policies.

Amenity

74. **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.
75. In this case there are not considered to be any significant amenity issues, with the proposed bunding sited a reasonable distance from the nearest residences with trees and the existing historic bunding in between. In addition, these residences are the ones which it is intended will be protected by the development. At the operational stage there is not considered to be any negative residential amenity impact, with development designed to improve amenity in respect of providing protection to the householders from flood risk. It is also understood that the construction works to create the defences will be carried out over a fairly short period of four weeks, such that construction disturbance should be limited.
76. On this basis, the application is considered to comply with the relevant development plan policies.

Cultural heritage

77. **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.
78. In this case the technical consultee (Highland Council Archaeology Team) has no objections in respect of local archaeological interest but has asked that a watching brief condition be attached in case there are any finds of interest at



the site clearance stage. A condition to this effect can be readily attached and accordingly the development is considered to comply with relevant NPF4 and LDP planning policies.

Climate Change

79. **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, and **NPF4 Policy 2: Climate mitigation and adaptation** seeks to encourage development that adapts to the current and future impacts of climate change. Similarly, **LDP Policy 3: Design and placemaking** requires new development to minimise the effects on climate change in terms of siting and construction and to make sustainable use of resources.
80. **NPF4 Policy 5: Soils** seeks to protect soils and similarly **LDP Policy 10: Resources** seeks to ensure minimisation of waste during construction and life of developments.
81. In this regard the proposed development is expressly seeking to address the impacts of climate change with respect to flooding. The applicant has explained in their supporting material why direct defences are needed. The management of soil can be secured by planning conditions with the design of the development seeking to work with the existing topography as much as possible.
82. In these circumstances the development is considered to comply with relevant NPF4 and LDP planning policies.

Other issues raised by consultees

83. The route of the works has been chosen to avoid the electricity line which runs over the site. Safety considerations to be taken into account when working in the vicinity of these have been highlighted by SSEN and passed onto the applicant already. They can also be highlighted in an informative attached to



any planning permission. Similarly, a suitable informative can be attached to highlight the need to ensure there is no disturbance to Scottish Water assets.

Conclusion

84. This community driven project to protect residential properties from flooding is considered acceptable by the key technical consultees (SEPA and the Highland Council Flood Risk Management Team), who are satisfied that it will help protect the community from flooding and thus improve resilience in the face of climate change. The development is of appropriate scale and design, with no adverse environmental and landscape impacts subject to appropriate planning conditions being attached. It is considered to fully comply with relevant NPF4 and LDP planning policies with no material considerations which outweigh this conclusion. Approval is therefore recommended.

Recommendation

85. **That members of the committee support a recommendation to GRANT FULL PLANNING PERMISSION for the construction of flood defence bund at land 110 metres NE Of Scottish Water, Dalwhinnie 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 site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance**



and excavation works, has been submitted to, and approved in writing by, the Cairngorms National Park Authority, acting as Planning Authority, in consultation with the Highland Council Archaeology Team. Thereafter, the watching brief shall be implemented as approved.

Reason: In order to protect the archaeological and historic interest of the site in accordance NPF4 Policy 7: Historic Assets and Places and LDP Policy 9: Cultural Heritage.

3. No development shall commence until a pre-construction protected species survey of the proposed development site and surrounding area has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority. This survey shall be carried out by a suitably experienced surveyor following NatureScot guidance (Planning and development: standing advice and guidance documents). If evidence of any protected species is found, a Species Protection Plan 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.

Thereafter all mitigation measures will be implemented in strict accordance with the approved details.

Reason: to minimise the risk of construction phase impacts on protected species in accordance with NPF4 Policy 3: Biodiversity and Policy 4: Natural Places and LDP Policy 4: Natural Heritage.

4. 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 by, the 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 NPF4 Policy 3: Biodiversity and Policy 4: Natural Places and LDP Policy 4: Natural Heritage.

5. **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority.**

This shall include the following details:

- a) **site-specific pollution prevention plan (PPP) with measures to protect the River Truim and the water environment from all sources of pollution (sediment, oils, fuels etc);**
- b) **soil management plan;**
- c) **sediment management plan;**
- d) **biosecurity control measures;**
- e) **details of timetable of, and arrangements for, monitoring;**
- f) **measures for protection of wildlife as outlined in section 7 of the approved Extended Phase 1 Habitat and Protected Species Survey and Assessment Report dated 29 October 2025.**

All work shall thereafter proceed in accordance with the approved details.

Reason - To protect the water environment, designated sites (River Spey Special Area of Conservation) and any species supported by the water environment from pollution events, disease or sediment mobilisation 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 NPF4 Policy 4: Natural Places, Policy 3: Biodiversity, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management and LDP Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources.



6. No development shall commence until details of biodiversity enhancements and landscaping have been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority. These details shall reflect the principles set out in section 7 of the approved Extended Phase 1 Habitat and Protected Species Survey and Assessment Report dated 29 October 2025, and shall include details of the following:
- a) Details of the design and micro-siting of the flood relief channel to create wet areas to create additional biodiversity habitats and to use existing topography and depressions constructively;
 - b) Details of the design and micro-siting of the bunds to tie into existing topography and to minimise impact on existing trees;
 - c) Riparian tree planting along the riverbank with flood-tolerant native tree species including alder, birches, grey willow and goat willow;
 - d) Landscape planting including planting of native trees and shrubs in the general area of the works with details of species, planting distance and sizes provided;
 - e) Sowing of wildflower meadow mixes (Scottish provenance wildflower seed) in various areas of the development including Wet Meadow Mix close to the river, Mavisbank Meadow Mix in open areas over bunds and exposed soils and Woodland Meadow Mix close to edge of the field. This planting to include sowing of local provenance grasses and wildflowers on the bund and surrounding disturbed area;
 - f) Provision of woodcrete bat boxes on retained trees/structures e.g. Schwegler 2F, 1FD or 2FN bat boxes are recommended (3m height where possible);
 - g) Provision of woodcrete bird nest boxes on trees/ structures in north-facing directions;
 - h) The plan should also include provision for monitoring of features and replacement of failed trees or damaged nest boxes where required;
 - i) Details of ongoing maintenance of the planting;
 - j) Timetable for implementation of all measures.

The landscaping shall be implemented in accordance the approved plan in the first planting season following completion of the development hereby approved and maintained thereafter in accordance with the approved



details and the other biodiversity measures shall be implemented in accordance with the approved timetable.

Reason: To ensure the development conserves and enhances the landscape and enhances biodiversity in accordance with NPF4 Policy 4: Natural Places and Policy 22: Flood Risk and Water Management and LDP Policy 5: Landscape and Policy 10 Resources.

7. **No development shall commence until a Tree Protection Plan has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority. This plan is to provide details of how existing trees on site will be protected during construction including root protection zones and methods of working / fencing.**

Thereafter the protection shall be implemented in accordance with the approved details before any development commences on site and with any protective fencing retained throughout the construction stage.

Reason: To ensure that trees are protected during development and in accordance with NPF4 Policy 3: Biodiversity, Policy 4: Natural Places, Policy 22: Flood Risk and Water Management and Policy 6: Forestry Woodland and Trees and LDP Policy 4: Natural Heritage, Policy 10: Resources and Policy 5: Landscape.

8. **No development shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority, in consultation with Transport Scotland and the Highland Council Transport Planning Team.**

The CTMP shall include, but not be limited to:

- a) **Confirmation of the access route;**
- b) **Details of vehicle types, sizes, and frequency of movements;**
- c) **Swept path analysis for large vehicles;**
- d) **Traffic management measures for the A889 and National Cycle Route 7;**



- e) **Construction hours and duration;**
- f) **Details of site compound, staff parking, and material storage;**
- g) **Details of road cleanliness measures;**
- h) **Contact details for site operations and consultation with affected parties;**
- i) **Measures to control the use of any direct access onto the trunk road.**

The construction of the development shall thereafter take place in accordance the approved plan.

Reason: to mitigate the adverse impact of construction traffic on the safe and efficient operation of the road network including the trunk road network and in accordance with NPF4 Policy 13: Sustainable Transport and LDP Policy 3: Design and Placemaking.

9. 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 NPF4 Policy 3: Biodiversity and Policy 4: Natural Places and LDP Policy 4: Natural Heritage.

10. The development hereby approved shall be constructed in accordance with the approved sections, levels and plans.

Reason: To ensure the development complements and enhances the landscape and has no adverse impacts on the water environment in accordance with NPF4 Policy 4: Natural Places and Policy 22: Flood risk and water management and LDP Policy 5: Landscape and Policy 10: Resources.

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. Construction work (including the loading / unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area. The contents of condition 2 apply in terms of working hours to ensure no disturbance to otter – i.e. no work to take place in the vicinity of otter habitat during the hours of darkness and within two hours after sunrise and two hours before sunset. This may be reduced to one hour between November and February (inclusive) because of the limited daylight.
4. The person undertaking the development should note the comments of SSEN (distribution) in relation to working in proximity to a 33 KV overhead line. They have noted in relation to important health and safety considerations that contractors and staff must adhere to the requirements of their GS6 document “Avoiding danger from overhead lines.” In addition, the following points should be noted:
 - a) Full risk assessments should be carried out to mitigate any risks associated to live electricity. Should any ambiguity surround this, SSEN general enquiries should be contacted to provide suitable guidance to guarantee safety at all



times. It is important to pay particular attention to any large plant operating on the site, with warning signs and adequate protection put in place.

- b) In relation to the new bunds these should in no way alter the current ground to overhead conductor clearance (either directly below or to the sides). Again, if any possibility of this occurs, SSEN General enquiries should be contacted to provide appropriate guidance. If any such ground clearances are to be affected, the applicant would be required to approach SSEN prior to work to seek adequate solutions.

- 5. The person undertaking the development should note that the proposed development lies within a drinking water abstraction area (DWPA) whereby Scottish Water advise they have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within the catchments page of their website at www.scottishwater.co.uk/slm. They welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located. The fact that this area is located within a drinking water catchment should be noted in documentation. Also anyone working on site should be made aware of this during site inductions and they would take the opportunity, to request that 3 months in advance of any works commencing on site, they be notified at protectdwsources@scottishwater.co.uk so they can make their operational teams aware there will be activity taking place in the catchment.

Scottish Water also advise that their records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team via their Customer Portal for an appraisal of the proposals. The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Written permission must be obtained before any works are started within the area of our apparatus.



6. The person undertaking the development should note that Truim View is a private road whereby formal permission to use it for construction traffic will require to be secured by them.
7. The person undertaking the development should note the comments of the Highland Council Transport Team that should any works be required on or adjacent to the public road, a Road Opening Permit must be obtained in accordance with Council procedures.
8. The person undertaking the development should note with regards condition 2 that the Highland Council Archaeology Team has advised that a controlled topsoil strip will ensure that that any features uncovered will be adequately recorded, while causing minimum delay to the development. The person undertaking the development will need to engage the services of a professional archaeologist who will produce a Written Scheme of Investigation for the work. The work will result in a report which will be lodged in the Highland Historic Environment Record (HER), where it may be consulted for research. Archaeological contractors are asked to send copies of such reports direct to the Archaeology Team who will advise the Planning Authority of receipt and confirm that they form a satisfactory record.
9. The person undertaking the development should note the comments of the Highland Council Flood Risk Management Team regarding the risk of seepage under the bund. They have highlighted that this is not considered to be a significant flood risk with respect to the existing scenario and that any further seepage considerations are a design matter between the developer and their design agents.
10. The person undertaking the development should note the hydro morphology advice from SEPA in their letters to the Cairngorms National Park Authority dated 1 July 2025, 13 August 2025, 2 December 2025 and 3 February 2026.