



## SITE DESCRIPTION AND PROPOSAL

1. The site for this hydro proposal is located approximately 1 kilometre upstream of the point where the main street in Kingussie crosses the burn (see fig 1). The site of an old hydro scheme lies in the Gynack Burn between Gynack Road and Ardbroilach Road. These two roads at Strathlynn are linked over the burn by a timber footbridge which forms part of the path network around Kingussie.
2. The remains of an old hydro scheme (see fig 6) are visible from the bridge including a weir, remains of pipe work and the bed for the old turbine. The scheme originally provided power for St Vincent's Sanatorium which is located to the south and an interpretation plaque on the east bank of the river explains the link between the old scheme and St Vincent's.



Fig. 2- View of site from west



Fig. 3- View of footbridge from east



Fig. 4- View upstream showing old weir and area for new weirs



**Fig. 5- View downstream showing bed of old turbine, far right of picture is the location for Archimedes screw**

3. The applicants had originally considered a run of river scheme that reflected the old scheme. However, after investigation it became apparent that an Archimedes screw would be a more efficient option for the site. The applicants have submitted a Design Report. This illustrates that the turbine would provide 20.3 kW at maximum power with an annual energy yield of 15 average UK households. There is an expected annual CO<sub>2</sub> saving of 36 tonnes.
4. Water will be captured at the west bank and it will then pass through a screen, into a lade. There is a significant fall between the bridge and the stream level immediately downstream (figure. 5). The Archimedes screw will be set in a position below a turbine house that will be set into disturbed ground on the west bank. The water will flow down the lade and through the screw back into the river below the bridge (figure.6).
5. The new hydro scheme will provide an income to the Kingussie Community Development Company to assist in carrying out further projects in the area. It is understood that funding is in place for the scheme. A Controlled Activities Regulations (CAR) license has been granted by SEPA.

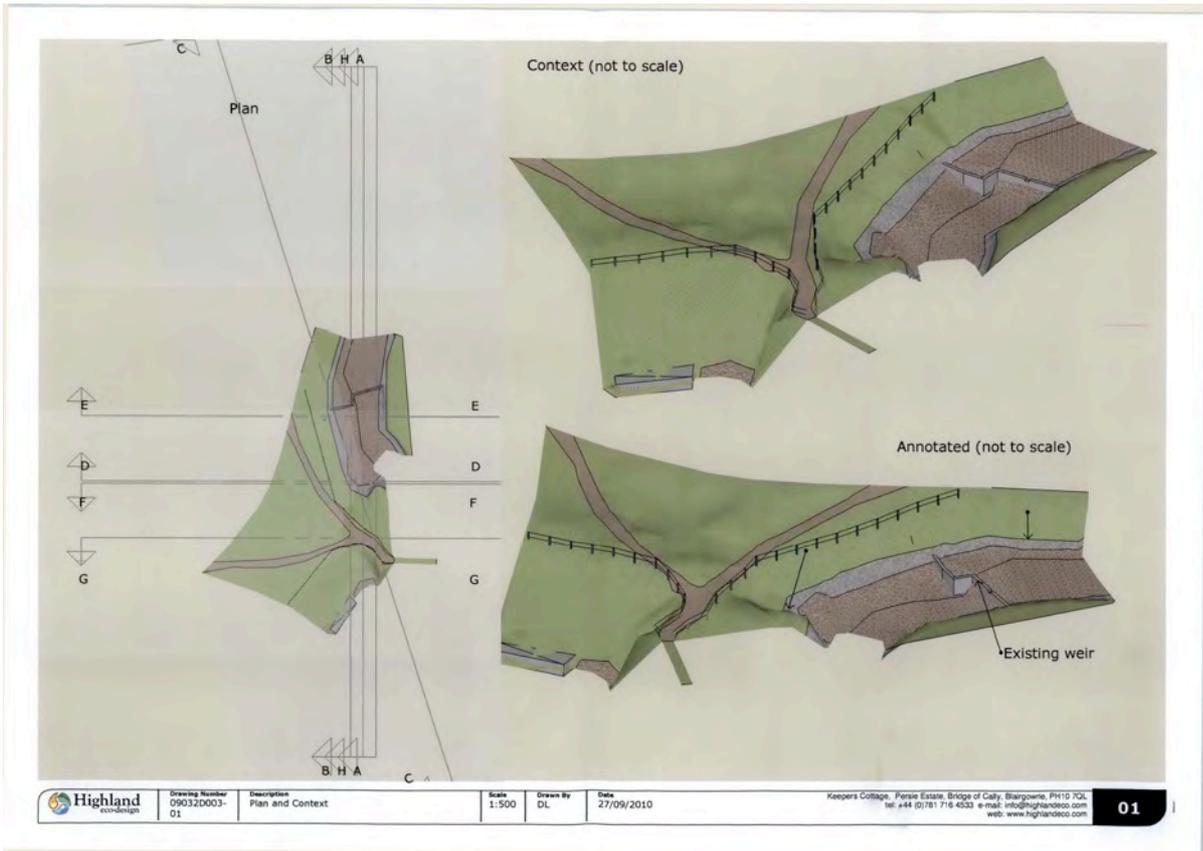


Fig. 6- Remains of existing scheme

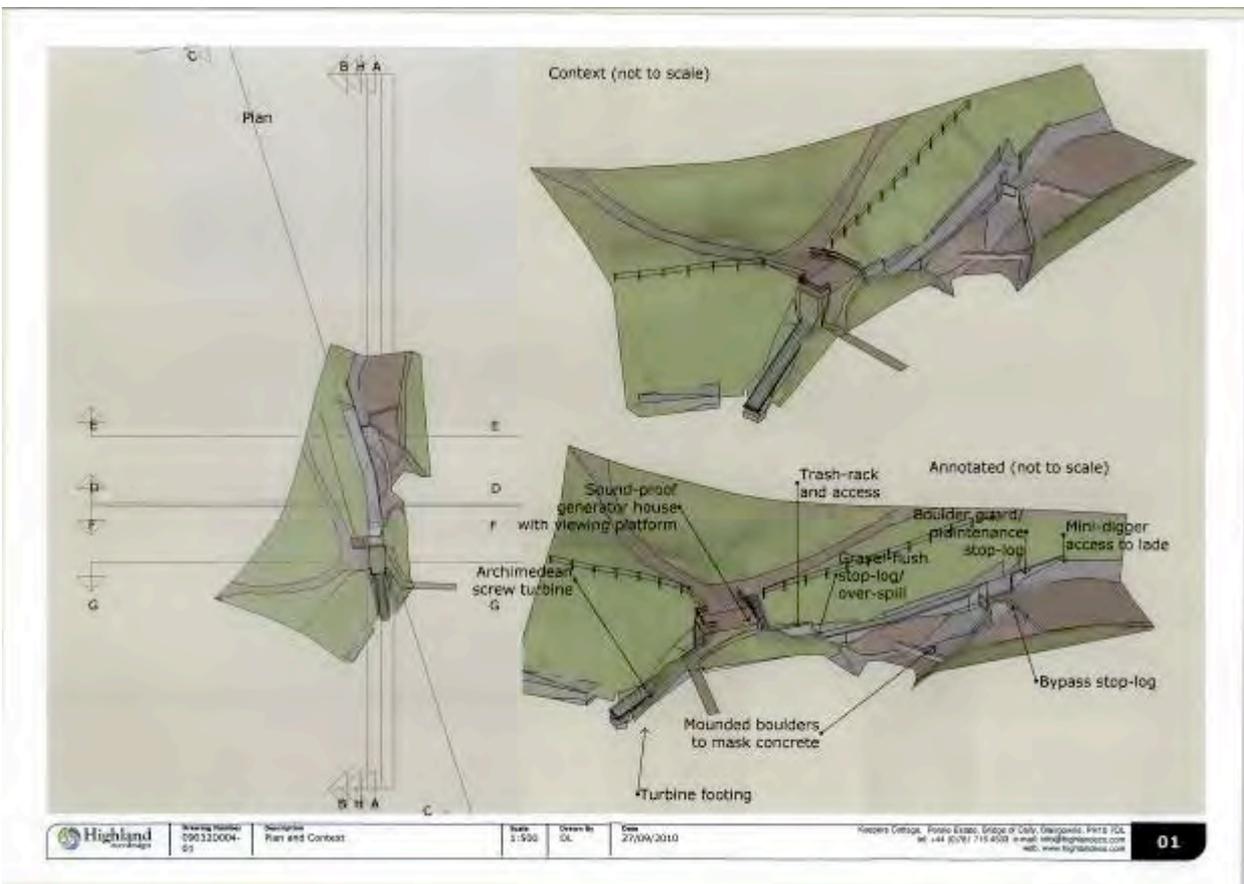


Fig. 7- Proposed Scheme Plan and Context

## DEVELOPMENT PLAN CONTEXT

### National policy

6. **Scottish Planning Policy<sup>1</sup> (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
  - The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
7. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
8. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
9. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
10. Rural development: Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.

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<sup>1</sup> February 2010

11. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
12. Renewable Energy: The document sets out the Scottish Government's commitment to increase the amount of electricity generated from renewable resources as a vital part of the response to climate change. Paragraph 183 considers that there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning Authorities should support communities and small businesses in developing such initiatives in an environmentally acceptable
13. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets." Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.<sup>2</sup> Finally it is stated that the planning system should be "judged by the extent to which it maintains and creates places where people want to live, work and spend time."

#### **Cairngorms National Park Plan (2007)**

14. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.

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<sup>2</sup> Para. 256.

15. Under the heading of 'Conserving and Enhancing' Strategic Objectives seek to ensure that all management and development in the Park should seek to make the most sustainable use of natural resources, including energy and water. Under 'Energy' objectives seek to contribute to national targets for greater renewable energy production. Strategic objective b) under 'Energy' seeks to help communities, businesses and households to obtain the information, expertise and support they need to reduce energy consumption and increase renewable generation. Strategic Objectives for water seek to maintain or where necessary enhance the existing high water quality and to encourage more sustainable patterns of water use.

## Structure Plan Policy

### Highland Council Structure Plan (2001)

16. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
  - Developing a prosperous and vibrant local economy; and
  - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.
17. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
18. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
19. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”

20. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community. **Policy G4 Community Benefit and Commitment** considers that the Council will expect developments to benefit the local community and contribute to the well-being of the Highlands, whilst recognising wider national interests.
21. **Policy E1 Distributed Renewable Energy Developments** considers that the Council supports the utilisation of the region's distributed renewable energy resource, including hydro, wind, wave and tidal stream power.
22. **E4 Hydro Energy Developments** considers that the Council will support hydro energy developments which accord with strategic policies G2 and G4, provided that there is also satisfactory provision for discharge and monitoring of compensation flow.

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

23. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at : <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
24. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
  - Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
25. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.

26. Policy 1 Natura 2000 Sites: development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where: a) there are no alternative solutions; and b) there are imperative reasons of overriding public interest, including those of a social or economic nature. Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons of overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).
27. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
28. Policy 4 Protected Species: development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
29. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where:
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
  - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

30. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
31. Policy 12- Water Resources (Part A Use of Resources): there will be a presumption against development which does not meet all of the following criteria: 1) minimises the use of treated and abstracted water; 2) does not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status; 3) treat surface water and foul water discharge separately and in accordance with SUDS Manual Ciria C697; 4) have no significant adverse impact on existing or private water supplies or wastewater treatment services. Part B of the policy relates to flooding and a presumption against development that does not meet criteria including being free from significant flood risk and not increasing the risk of flooding elsewhere.
32. Policy 15- Renewable Energy Generation : developments for small scale renewable energy schemes which support the aims of the National Park and the National Park Plan Strategic Objective regarding energy production, will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of development. Development, including any ancillary works. Will be sited and designed to have no significant adverse visual or landscape impact, including any cumulative impact, caused as a result of energy generation, transmission or distribution measures, and will not have any adverse impact on the amenity of neighbouring properties or any unacceptable impact on the environment
33. Policy 16- Design Standards for New Development : design of all development will seek where appropriate to: a) minimise effect on climate change; b) reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and distinctiveness, whilst encouraging innovation in design and materials; c) use material and landscaping that will complement the setting of the development; d) demonstrate sustainable use of resources; e) enable storage and segregation of recyclable materials; f) reduce need to travel; g) protect neighbouring amenity; h) accord with Sustainable Design Guide. All proposals to be accompanied by a design statement.
34. The CNP Local Plan is the subject of an appeal under section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been taken of the Appeal in the determination and recommendation made in respect of this application.

35. **Supplementary Planning Guidance: Water Resources** sets out in more detail how the water resources of the Park will be taken into account in decision making. The context to the policy and other legislation and guidance in the form of the CAR Regulations is set out. Links are provided with the River Basin/Catchment Management Plans. In particular the guidance emphasises the need for construction method statements

## CONSULTATIONS

36. **Scottish Natural Heritage (SNH)** has looked at the proposal and considers that it is unlikely that the proposal will have a significant effect on the qualifying interest either directly or indirectly of the River Spey Special Area of Conservation (SAC). An appropriate assessment is therefore not required.
37. A mammal survey was undertaken in November 2010. The survey found a single old otter spraint but no evidence of holts or couches. Should evidence be found of otters during works the works should stop immediately and SNH contacted. A range of detailed recommendations are made with regard to protection of otters and to ensure that they cannot become trapped in any of the works. No evidence of bats, wildcats or other mammals was found at the site.
38. The Spey Fishery Board (SFB) has confirmed that the proposed location of the scheme is a natural barrier to migratory fish which can prevent many fish from progressing upstream. However, some Atlantic salmon do manage to negotiate the natural barrier and the old weir. The Spey Fisheries Board recommends that fish screening measures are put in place to protect the brown trout population. SNH and SFB recommend that to protect the fishery and other riparian species including otter SFB and SNH would like to see a full method statement and works schedule prior to the commencement of any works. The statement should clearly demonstrate the measures undertaken to manage pollution by chemicals and sediments.
39. **Scottish Environmental Protection Agency (SEPA)** consider that the restoration of a micro hydro scheme at the site would have minimal impact downstream. However, it is advised that any infrastructure should be designed and constructed to remain operational during flooding. SEPA can confirm that the applicants have been granted a CAR license.
40. **The Spey Fisheries Board** notes that the River Spey and its tributaries are a Special Area of Conservation. The Spey Fishery Board has been regularly consulted about this development proposal. Having reviewed the supporting documentation as well as the CAR licence that has been applied for the Board has no objection to the development, providing that any works involving machinery entering the River are carried out between 1 June and 1 September. Works should be carried out in accordance with SEPA guidelines for working in and around watercourses.

41. **Kingussie and Vicinity Community Council (CC)** wish to register their support for this application to restore the micro hydro scheme on the River Gynack. This community scheme which has been many years in the planning will be a huge asset to the community of Kingussie, bringing undoubted benefits.
42. **Kingussie and Vicinity Community Council** noted the mammal survey indicated the possibility of otters being adversely affected during the construction phase of the scheme, but that mitigating measures have been suggested in order to counteract this possibility. The CC also noted the report from another hydro scheme utilising the same Archimedes screw system, relating to fish monitoring and river trials. This recorded the scheme as being fish friendly due to its minimal disruption and damage to fish.
43. The CC are satisfied that every care has been taken to ensure the disruption to the environment during the construction of this development will be minimal and that the finished scheme will not impact unduly on the surrounding area due to it being mainly subterranean. For the same reason it is highly unlikely that there will be any noise disturbance.
44. The CC congratulates Mr Donnie Grant and the Kingussie Community Development Company for the meticulous preparation and the attention to detail which has gone into their application. The CC hope that the CNPA Planning Committee members will look favourably on this sustainable project, and that they are minded to grant approval.
45. **CNPA Access Officer** comments that there are some concerns that need to be addressed and the potential for the weirs to pose a barrier and safety hazard for kayakers. The Gynack is paddled, albeit infrequently. Advice from the Scottish Canoe Association is that the chutes over weirs should be 1 metre wide and 20-30cm deep in a “u” shape; there should be at least 4 metres between each chute to accommodate boats, and; the chutes should ideally be in line (no difficult turns). The Engineer for the scheme should contact the Scottish Canoe Association.
46. The **CNPA Landscape Officer** has been consulted on the proposal and has no objection but sets out a range of advice that would be of assistance in helping the scheme to blend in with its surroundings. These requirements have been contained within the planning conditions at the end of the report.
47. The **CNPA Ecologist** has nothing to add to the comments of SNH.

## **REPRESENTATIONS**

48. No representations have been received.

## APPRAISAL

49. Applications must be determined in line with the development plan unless other material considerations indicate otherwise. This section of the report considers the principle of the development against the background of policy and then goes on to consider in more detail the design of the proposal and potential environmental impacts.
50. In planning policy terms there is much support in principle for the development of micro hydro schemes and in this particular case there has historically been a hydro scheme at the site. The combination of this historic precedence and a generic policy support expressed by Policy 15 of the CNP Local Plan "Renewable Energy Generation" means that the principle of the scheme is not in question.
51. The applicant's had considered putting forward a simple restoration of the original hydro scheme. However, when considering the efficiency aspect of the project it was decided that the use of an Archimedes Screw would provide a higher level of energy generation. Examples of this type of hydro project include a much publicised scheme on the river Dart in the Dartmoor National Park as well as a scheme on the river Don at Semeil in Strathdon within the Cairngorms National Park.
52. The installation of this scheme would result in more works than a simpler reinstatement of the old scheme. This prompts an assessment of the works against the protective environmental policies in the Local Plan with particular regard to Policy 1 Natura Sites, Policy 32 National Natural Heritage designations and Policy 4 Protected Species.
53. The applicants have carried out a number of ecological surveys, submitting a full report with the application. The survey made reference to a number of species including otter and water vole. An additional report was submitted which sets out how fish are managed in tandem with this type of hydro proposal. The key species of international importance at the site and covered by Policy 1 of the CNP Local Plan are otters and Atlantic salmon. SNH considers that the proposal would be unlikely to either directly or indirectly affect Atlantic salmon and otters as qualifying interests of the River Spey SAC. With regard to other mammal species SNH notes that no signs of red squirrels, water voles, badgers or pine martens were found at the site. The CNPA Ecologist has looked at the report and the response of SNH and makes no additional comment. Consequently, the proposal complies with the protective environmental policies of the CNP Local Plan. Policy 12 Water Resources requires that proposals do not result in the deterioration of the current or potential ecological status. Given the the limited scale of the scheme, taken together with the response of consultees, there is no evidence that the proposal would, in any way, offend Policy 12. It is important to note that the scheme has been assessed by SEPA under the Controlled Activities Regulations, and a license has been issued granted.

54. The proposal will result in changes to the local landscape on the west side of the burn and Policy 6 Landscape requires that proposals complement and enhance the landscape character. The proposal will result in a visual change. However, the setting for the proposal is relatively discrete and enclosed, with much of the works being set in the ground. The proposal will provide a new positive feature which if constructed in accordance with the recommendations of the Landscape Officer will contribute to enhancing the cultural heritage of the area.
55. Some concern is raised regarding the potential for the proposal to affect canoeist's access down the burn. The advice of the CNPA Access Officer is that the scheme designer should contact the hydro sub group of the Scottish Canoe Association. Just prior to this report being completed the applicants have been in consultation with the Scottish Canoe Association regarding the design of the weirs and the Association has confirmed that there is no need for a notch in the weirs, they have provided further advice to the applicants. While not directly affected, the bridge will need to be closed for a short period of time during construction. However, there is another footbridge approximately 300 metres from the site. A planning condition ensures that notice is drawn to the attention of users to any temporary closure of the bridge.
56. Neighbouring properties should be unaffected by the proposal the nearest residence being approximately 30 metres away from the site on the opposite side of the burn from the hydro scheme.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

57. The proposal protects the natural heritage of the area and involves the reinstatement of an older hydro scheme at the site (in a different form) therefore adding to the cultural relationship between Kingussie and the use of hydro resources. As with the old facility the new scheme will provide an opportunity for interpretation of this relationship.

### **Promote Sustainable Use of Natural Resources**

58. The proposal performs strongly against this aim by providing power in an environmentally friendly manner at a scale that is appropriate to the location.

### **Promote Understanding and Enjoyment of the Area**

59. While the proposal will effect a change in the landscape at an existing viewpoint the facility will add an additional feature of interest for both local people and visitors to the area.

60. A planning condition is attached to ensure that the detailed design of the weirs still allow canoe passage on the occasions that the burn is paddled and that a notice indicates alternative walking options for the short period when the bridge would need to be closed.

### **Promote Sustainable Economic and Social Development of the Area**

61. Again, the scheme performs strongly against this aim and will provide an income for the community.

### **CONCLUSION**

62. Overall, this is a positive scheme that accords with the policies of the CNP Local Plan and assists in achieving the aims of the Park. The project will provide an income for the local community and be a new feature of interest in the area, resulting in a good example of a small scale community based renewable project. Consequently, the application is recommended for approval subject to the conditions set out below.

### **RECOMMENDATION**

63. That Members of the Committee support a recommendation to **GRANT PLANNING PERMISISON** for the restoration of a micro hydro scheme for the river Gynack, Gynack Road, Kingussie, subject to the following conditions:

1. The development to which this permission relates must be begun within three years from the date of this permission.

**Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Any works involving machinery entering the river shall be carried out between 1<sup>st</sup> June and 30 September only unless otherwise agreed by the CNPA acting as planning authority.

**Reason:** To ensure any adverse impact upon salmon during their breeding period.

3. A plan and sections of the proposed hydro development in context, showing the design, location and levels of component parts relative to the natural stream bed and rock outcrops and notable trees shall be submitted to and agreed by the CNPA acting as planning authority prior to the commencement of the development hereby approved. The development shall be constructed in accordance with the agreed plans. The plans should include the following;
  - Concrete structures to tie into natural rock features rather than encompass them

- The concrete form of the fish weirs should if possible be gently curved to echo the natural contours and avoid the angular junctions with natural forms.
- The finish on the weirs to be designed to encourage natural weathering and colonisation by algae to reduce the visual impact of concrete. E.g. by using textured formwork.
- The fish weirs to be positioned as far above the waterfall as possible.
- Concrete spillways to be concealed with careful boulder placement.

**Reason:** To ensure that features that underpin the character and quality of this location are respected in the design and location of elements of the scheme.

4. Prior to the commencement of the development hereby approved a plan/method statement at a suitable scale showing protected areas, that are areas out-of-bounds for all operations and operatives including the eastern side of the burn, the rock outcrop as far as is possible and individual trees and areas of woodland on the western side of the burn shall be submitted to and approved by the CNPA. The method statement shall describe how these areas will be protected. This plan shall also identify areas for vehicular access and the temporary storage of spoil and top soils. The method statement shall describe how materials will be stored and retained in a viable state. It is recommended that the root material of the wood rush (luzula) which is the predominant ground vegetation could be kept in a viable state for subsequent re-use.

**Reason:** To minimise disturbance and damage to key features and landscape/visual impact during construction.

5. A plan and sections at a suitable scale showing site restoration and reinstatement of the area shall be submitted to and agreed by the CNPA acting as planning authority. This shall include the location of areas of fill, areas to be soiled, planted/seeded and proposed tree planting, fencing, interpretation and the bridge. The detail of plant species, specification, seed mixes, and on-going maintenance and management should be described in the plans. Design details for fencing, protective railings, the bridge and interpretation should be provided.

**Reason:** To ensure as much as possible is done to mitigate potential effects on the character and experience of this popular and promoted location in the Park.

6. The site shall be developed in accordance with the Preliminary Design Report dated 7 April 2010 and in accordance with the mitigation requirements for otter set out in the 'otter and other protected mammals survey report' received by the CNPA on 22 December 2010.

**Reason:** To ensure that the site is developed in an appropriate manner that protects the environment at and around the site.

7. A plan/statement shall be submitted to the CNPA acting as planning authority setting out alternative path access arrangements for the short period when the bridge would have to be closed for construction works on the west bank.

**Reason:** To ensure that walkers/cyclists are provided are provided with alternative options during any temporary periods of closure.

## ADVICE NOTE

### Protected Species

1. The applicant is advised that it is a criminal offence under the Conservation (Natural Habitats Etc.) Regulations 1994 to deliberately or recklessly capture, injure or kill a European protected species of wild animal (including birds) or to deliberately or recklessly (i) harass an animal or group of animals; (ii) disturb an animal while it's occupying a structure or place used for shelter or protection; (iii) disturb an animal while it's rearing or caring for its young; (iv) obstruct access to a breeding site or resting place; (v) disturb an animal in a manner that is likely to significantly affect the local distribution or abundance of the species to which it belongs; (vi) disturb an animal in a manner that is likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for their young; (vii) disturb an animal while it is migrating or hibernating.
2. Where it is proposed to carry out works which will affect European protected species or their shelter/breeding places, whether or not they are present in these refuges, a licence is required from the Scottish Government (Scottish Natural Heritage). Should otter be seen on the site during works work should stop immediately and SNH should be contacted immediately.
3. You are advised to keep in contact with the Hydro sub-group of the Scottish Canoe Association during the detailed design and construction of the hydro scheme.
4. You are referred to SEPA Guidelines on working in and around watercourses ([sepa.org.uk](http://sepa.org.uk))

Andrew Tait

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

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