

And still the silt flows on the Pitmain Estate – what is the point of the Cairngorms National Park Planning Authority?

## Description



Outflow of Gynack overflow channel 9th June where it flows into Loch Gynack. Photo credit Parkswatch reader

Silt first started flowing into the Gynack River system, which flows into the River Spey, six and a half weeks ago ([see here](#)). I reported and others reported this to both the Scottish Environmental Protection Agency and the Cairngorms National Park Authority (CNPA). The CNPA responded that they were not sure whether the silt flowing down the river, also known as the Allt Mhor, was connected with the overflow channel which they had granted planning permission for back in 2016 and therefore whether any planning conditions had been breached.

There is no doubt, however, that the silt that was being washed into Loch Gynack yesterday was

flowing the overflow channel which is currently being “repaired” after it failed soon after construction ([see here](#)). The silt is therefore a planning enforcement matter.

There are still no documents on the CNPA’s planning portal ([see here](#)) to explain what went wrong or what the repair work involves. In the absence of any modifications to the original decision in 2017, all the planning conditions still apply even though aspects of the approved Construction and Environmental Management Statement (CEMS) are out of date:

#### **1.4 Responsibilities and contact details**

<b>Responsible Person</b>	Pitmain Estate Ltd. c/o Savills-Smiths Gore	01738 479 180
<b>Environmental Liaison Officers</b>	Adrian Laycock Ltd.	01631 720496
<b>Contractor</b>	McGowans Ltd	01479 812170
<b>Environmental Regulator</b>	SEPA Local Office	
	SEPA 24 hour Pollution Hotline	0800 807060

Neither Adrian Laycock Ltd nor McGowans appear to be involved in the current repair work

The CEMS clearly states that silt is a pollutant and should not flow into rivers systems:

The main potential pollutants associated with the type of works being undertaken include silt, cement and concrete and chemicals and solvents. All pollution prevention measures will be put in place prior to the commencement of construction works and workers made aware of mitigation procedures via toolbox talks. All operatives will be made aware of the need to protect the watercourse from pollution or contamination and the procedures to be followed in the event of any incidents. Notwithstanding the ongoing measures which will be put in place to avoid such incidents, as base measures spill kits will be maintained on site and straw bales/ geotextile material will be provided downstream of working areas to intercept and mitigate the effects of any accidental sediment releases. As a contingency arrangement consideration to be given to containment booms placed downstream of working areas and upstream of sensitive receptors prior to works commencing and that these are regularly inspected and maintained

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It contains a number of general provisions to prevent silt from entering either the Allt Mhor or Loch Gynack:



### **3.4.1 Sediment**

Prior to any work which could cause the release of sediment into the burn suitable measures will be put in place to minimise the risk of such release. This would include:

- All discharges from de-watering will receive an appropriate level of treatment before discharge; including through provision of temporary settlement lagoons where appropriate. Outfalls from temporary treatment will be provided with scour protection or other devices as required to avoid surface erosion.
- Construction of temporary sand bag coffer dams to isolate sections of the river bed where works are to take place
- Use of silt traps, straw bales/ geotextile filters to intercept runoff from areas where the ground has been disturbed by works.
- Where possible, a vegetated buffer zone will be maintained between excavations and the burn
- Where submersible pumps are used for de-watering, care will be taken in the choice of pump type and size to suit requirements and where required to mitigate against the mobilisation of silt into suspension through turbulence at or near the inlet they will be placed in a sump that isolates them from the base of the excavation, eg on a gravel base inside a large diameter perforated pipe or manhole ring or will be suspended above the base of the excavation
- Pumps and hoses will be checked regularly to avoid any run-off problems associated with uncontrolled leakages
- Use of plant in the burn will be kept to a minimum and where unavoidable will be carried out using appropriately clean and serviced machines with operators aware of contingency procedures
- construction work in or adjacent to the burn will be carried out during summer months and therefore generally during periods of low flow.

And the CEMS also contained a number of specific measures to prevent silt flowing down the overflow channel as it was constructed:

#### **Additional site specific measures**

Along the channel silt turf sumps to be created to minimise siltation, sumps to be excavated daily to ensure clean water is maintained.

As the surface water from uphill of the channel is currently routed through culverts under the track these are to be extended through the banks of the channel using 300 mm diameter pipe.

Flow across the channel will be maintained by placing 150 mm culverts through the downhill side, these are smaller as they will be placed near the bottom of the channel and it is the channel during construction suitable silt control will be used where these discharge to vegetation.

The silt management pond at the start of the breakout area will act as a settlement pond both during construction and upon commissioning of the channel. This is to allow for long term silt management and reduce the deposition of sediment within the breakout area.

These additional measures were necessary because much of the overflow channel was constructed

along the line of an existing burn and it is clearly difficult, if not impossible, to prevent silt flowing into river systems where construction work takes place in flowing water. The CEMS proposed to address this problem by diverting any water, including the existing burns, flowing into the channel out through temporary 150mm culverts on its downhill side. A sediment pond was also dug out in a new “wetland area” at the edge of the plantation just above Loch Gynack.

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The silt sedimentation pond was shown on the original plans as being situated just above



the fence in the photo – yesterday it was clearly not working

The photos from 9th June suggest that neither the diversion culverts nor the sedimentation pond, as proposed in the original plans, have been operating properly during the repairs works. So why, six weeks later, have neither the CNPA or SEPA done anything to rectify this and prevent the flow of silt into the river system?



The Loch Gynack outflow, which now also serves as a hydro intake. The water on 9th June appeared slightly murky. Photo credit Parkswatch reader.

Loch Gynack, itself, acts like a giant sedimentation pond for the silt flowing down the overflow, however that has not been sufficient to stop some of the silt flowing out and down into the River Spey Special Area of Conservation below. NatureScot, the agency responsible for these protected areas, should also be up in arms.

The question all this raises is what would very rich landowners, like the Jaffar Family who own the Pitmain Estate, actually need to do before any of our Public Authorities were prepared to order them to stop work that is damaging the environment in the National Park? Perhaps the new members appointed to the board of the Cairngorms National Park on 1st June ([see here](#)) will be prepared to call for action? One might hope, for example, that Sandy Bremner, as chair of the River Dee Trust, would

understand the importance of preventing pollution from flowing into the River Spey and for the CNPA to use every power it has to prevent this happening.

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View from the bridge over the overflow channel, with the intake to the diversion scheme



visible on the near horizon. Photo credit Parkswatch reader.

Meantime other recent photos suggest that large amounts of rock re-inforcement has been brought in to Pitmain to reinforce the sides of the overflow channel. Whether this will work is a moot point as some of the rip rap bouldering used to line the channel previously was washed away soon after it was first used:



Photo 2022.

Judging by a comparison of the size of the boulders in the two photos, the idea appears to be that enormous rocks – rumoured to have come from a quarry near Nairn – will contain flood water where smaller ones didn't.

There are reasons to doubt that, given the force that flood water will be forced through the boulders and the size of the bank behind, but perhaps the current plan is to embed the new boulders in concrete? That surely should require a fresh planning application. Unfortunately, without any plans there is no way for anyone to evaluate the current repair work, either whether it will work or the environmental costs.

After the overflow channel was closed I called on the CNPA Board to conduct an investigation into why it had failed. That has never happened and instead the CNPA has waited 5 years for the landowner to come up with a solution. It is still not clear whether CNPA planning staff have even seen that solution but if so they are keeping it from the public.

If Lorna Slater, the Green MSP and Minister for National Parks, wants them to take a lead in tackling the nature and climate emergencies, she needs to start paying attention to how they are operating the planning system, insist they up their game and start taking action against landowners and developers who damage the natural environment.

### **Category**

1. Cairngorms

### **Tags**

1. CNPA
2. landed estates
3. natural environment
4. NatureScot
5. planning
6. SEPA

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