

Our ref: PCS/167250
Your ref: 2019/0247/DET

If telephoning ask for:
Zoe Griffin

5 September 2019

Cairngorms National Park Authority
14 The Square
Grantown-on-Spey
PH26 3HG

By email only to: planning@cairngorms.co.uk

Dear Ms Wade

Town and Country Planning (Scotland) Acts
Planning application: 2019/0247/DET
Engineering works to smooth and re-grade land
Cairngorm Mountain, Glenmore, Aviemore, Highland

Thank you for your consultation email which SEPA received on 21 August 2019.

Advice for the planning authority

We **object** to this planning application on the grounds of lack of information in relation to groundwater terrestrial ecosystems. We will review this objection if the issues detailed in Section 1.1 below are adequately addressed.

We also ask that the planning **condition** in Section 2.1 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**. Please also note the advice provided below.

1. Groundwater Dependent Terrestrial Ecosystems (GWDTE)

1.1 Unfortunately the Phase 1 habitat maps submitted are not adequate enough to identify where flush and wet heath habitats are in relation to the profiling proposals. It is also not clear what species there are within any of the flush areas and determine the importance of the flush habitats. We are also concerned that the wet heath may be degraded to a dry heath when the overall aim of the proposal is to create “drier and smoother” slopes. We therefore **object** to this proposal due to lack of information with regard to GWDTE. We will consider removing this objection if the following information is submitted:

- NVC survey information for the areas of flush and wet heath areas clearly overlap with the areas of ground that will be disturbed during the works.

- Time of year the works will be carried out and the proposals for any bare earth that may be exposed as a result.
- Mitigation proposals for the wet heath to ensure its retention once the NVC surveys requested above have been undertaken.

2. Pollution Prevention

- 2.1 Due to the proximity of the groundworks to a watercourse, we request the following **condition** is attached to any planning consent to ensure protection of the water environment from potential pollution during the construction phase and life of the development:

A site specific pollution prevention plan shall be submitted for approval two months prior to construction commencing on site. This plan should detail in plan form the pollution prevention measures to be implemented throughout the construction and operation phases of the site.

3. Flood risk

- 3.1 We have **no objection** to the proposed development on flood risk grounds. Notwithstanding this we would expect Cairngorms National Park to consult The Highland Council to undertake their responsibilities as the Flood Risk Management Authority. Please see the attached appendix with our technical assessment in this regard.

Detailed advice for the applicant

4. Pollution Prevention

- 4.1 We have requested a condition ensuring the submission of a Pollution Prevention Plan (PPP) due to the proximity to a watercourse. We refer you to our [Construction Site guidance WAT-SG-75](#) and request the PPP is in line with this. It should be for all activities on site in relation to water pollution, site specific, brief and presented with an annotated site plan.

Regulatory advice for the applicant

5. Regulatory requirements

- 5.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). We confirm a Simple licence will be required due the proposed culverting of surface water. Please see page 43 of the CAR [Practical Guide 2019](#) for further information.
- 5.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011.
- 5.3 It should be noted that a Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. It should be confirmed by the applicant with the local SEPA team whether the site falls under the last bullet point. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

- 5.4 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment as required by the planning condition in Section 2.1.
- 5.5 Further details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel. 01343 547663.

If you have any queries relating to this letter, please contact me by telephone on 01224 266636 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Zoe Griffin
Senior Planning Officer
Planning Service

ECopy to: Jim Cornfoot, Cairngorm Mountain Scotland Ltd,
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Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

APPENDIX – SEPA TECHNICAL REPORT

- 1.1 Although the application site is not shown to be at risk on the SEPA Flood Maps, the site is adjacent to a small watercourse and consequently the site may be at risk of flooding. Watercourses with a catchment area of less than 3km² are not modelled for the SEPA Flood Maps and so risk from this source is not shown. However, this does not imply an absence of risk.
- 1.2 The proposals are for regrading works and so we have no concerns regarding risk to the site itself, however the proposals could have the potential to increase risk elsewhere through a loss of floodplain storage and conveyance. The site plan shows a number of areas of groundworks which are mostly set some distance from the Allt a' Choire Chais and so have no flood risk concerns with those, but area A which is the closest may have the potential for some loss of floodplain.
- 1.3 However, the contour plan on page 7 of the supporting statement shows that the watercourse has a relatively steep gradient and in a fairly well contained channel, therefore it seems likely that the potential for out of bank flow, and floodplain area is limited. Page 11 of the supporting statement states that 26m³ of infill is required in Area A.
- 1.4 Therefore, considering the small area of infill required, and the nature of the watercourse, the works in this area are unlikely to create a significant increase in flood risk elsewhere and we have **no objection**.
- 1.5 The supporting statement shows two new drainage pipes which will drain into the watercourse, and we note the concerns from a third party regarding an increase in flood risk and discharge of water from the site into the small watercourse. We would assume that all surface water from the site would currently drain into the small watercourse, but the new pipes may have the potential to increase the rate at which it discharges by increasing the efficiency of the drainage. Scottish Planning Policy states that surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site. However we consider that the water *quantity* aspects of surface water drainage is the remit for the local authority to consider and are better placed to provide more detailed advice on this matter.

Caveats & Additional Information for Applicant

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.