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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** **REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by:** **KATHERINE DONNACHIE  
(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

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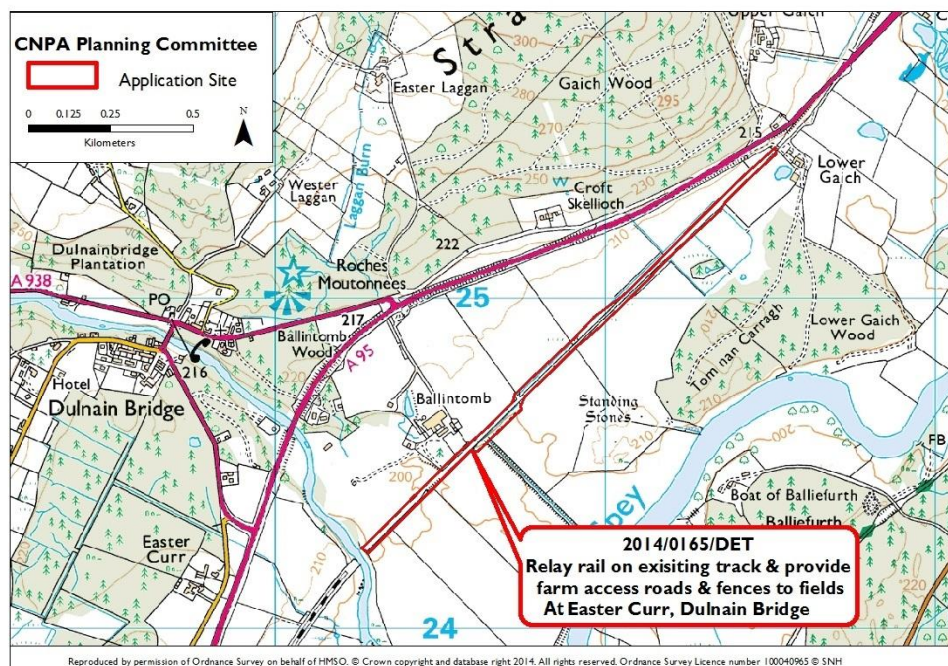
**DEVELOPMENT PROPOSED:** **Re-lay rail on existing track & provide farm access roads & fences to fields at Dismantled Railway Line 420M East Of Viewfield, Easter Curr, Dulnain Bridge**

**REFERENCE:** **2014/0165/DET**

**APPLICANT:** **Mr David Fraser, Strathspey Railway**

**DATE CALLED-IN:** **2 June 2014**

**RECOMMENDATION:** **APPROVAL SUBJECT TO CONDITIONS**

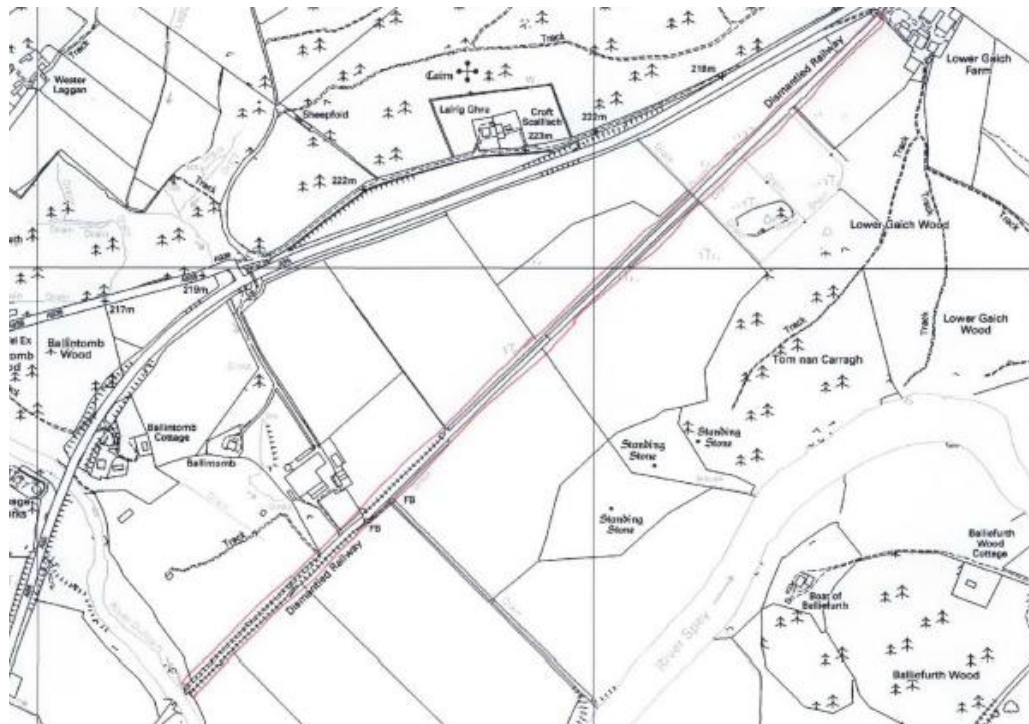


**Grid reference: (E/300240 N/824203)**  
**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

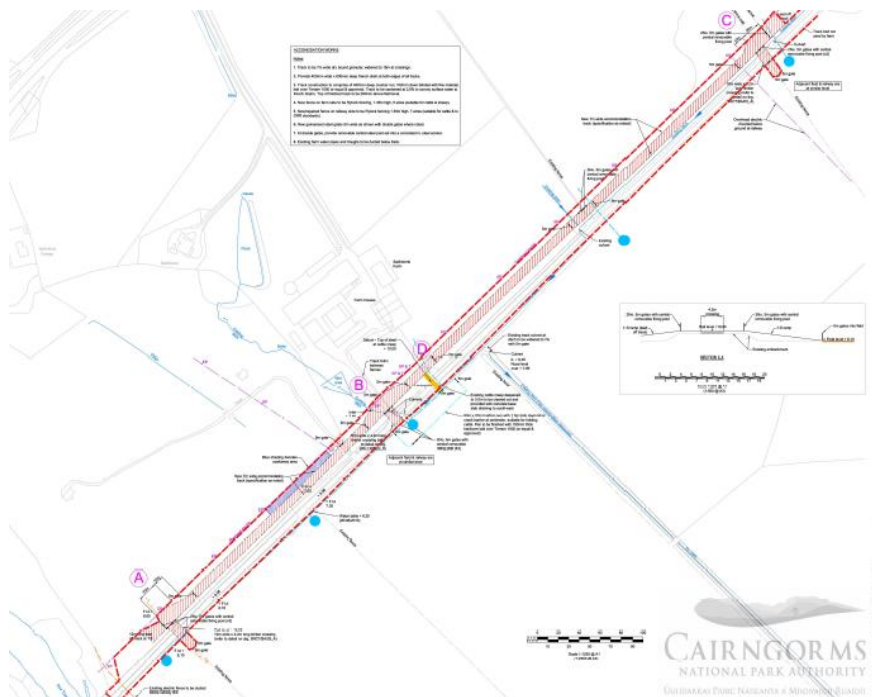
1. This application seeks full planning permission to re-lay tracking on the former railway line to enable the continued extension of the Strathspey railway from Aviemore leading eastwards towards Grantown on Spey.
2. Members may recall that in 2012 full planning permission was granted for the extension of the railway track and erection of a railway bridge on the existing abutments at the River Dulnain (Reference 2012/0220/DET) as part of the continued extension of the Strathspey steam railway. The bridge is nearing completion and this current application represents the next stage of the ongoing works to extend the railway line towards Grantown.
3. The current proposal involves re-laying track from the Dulnain river crossing for around 1.7 km leading east past Ballintomb Farm to Lower Gaich Farm, as shown on **Figure 2** below.

**Figure 2 – Site Layout**



4. Part of this former railway line is currently used as a farm access (areas around Ballintomb Farm), so the proposed works also include proposals for a revised farm access route to allow access to the fields here together with provision of crossing areas. This is shown in **Figure 3** below. The new access tracks are proposed at width of around 7 metres, it is understood to facilitate use by farm machinery. They will be of granular construction and will run alongside (to the north) the railway line.

Figure 3 Revised Access Arrangements



5. The remaining track leading eastwards to Lower Gaich Farm is not used at present and is in a redundant condition having returned to natural use. In this section of track the main proposal is to re-lay railway tracking with no revised farm track/access arrangements required.
6. The applicants have submitted a short supporting statement outlining their work to date on refurbishing the railway line and stations at Aviemore, Boat of Garten and Broomhill to provide a visitor attraction for 60,000 people per year. They explain that the current application is for the next logical extension from the Dulnain River to the Gaich crossing, and is a simple, straight section. Once completed it will enable Strathspey Railway to service the future construction of the Gaich crossing without having to use private roads or land. The Company are also working on a “TAWS” order application which relates to railway legislation and will ultimately give the group utility rights to run the railway. The group are working with the Scottish Government and Transport Scotland on this ongoing project including any future road crossing at Gaich. Required
7. The applicants have also submitted a construction method statement to outline how the works will be carried out to ensure no damage to existing drainage or vegetation (other than lopping of trees which will take place outwith the bird breeding season).

### Site History

8. There is no specific history on the site itself. However, as noted earlier, an application to re-erect a railway bridge over the Dulnain River and re-lay a section of tracking to extend the existing railway from Broomhill was

approved in 2012 (Reference 2012/0220/DET) The current application will connect on from this section to continue the route eastwards.

## DEVELOPMENT PLAN CONTEXT

### National policy

9. **Scottish Planning Policy (SPP, revised 2014)** sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances. The SPP sits alongside four other Scottish Government planning policy documents:

- **The National Planning Framework (NPF) which provides the statutory** framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
- **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
- **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- **Circulars**, which contain policy on the implementation of legislation or procedures.

SPP seeks to promote sustainable travel and active travel highlighting the need to optimise the use of existing infrastructure; reduce the need to travel; provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport; enable the integration of transport modes; and finally to facilitate freight movement by rail or water.

### Strategic Policies

#### Cairngorms National Park Partnership Plan (2012-2017)

10. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are:

- A sustainable economy supporting thriving businesses and communities;
- A special place for people and nature with natural and cultural heritage enhanced; and
- People enjoying the park through outstanding visitor and learning experiences.

Policies to secure the outcome of ‘a special place for people and nature with natural and cultural heritage enhanced’ are of relevance as is Policy 1.2 which seeks to promote sustainable patterns of settlement growth, infrastructure and communications, encouraging safe travel off road and links with public transport

## **Local Plan Policy**

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

11. 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>. New development requires to be assessed in relation to all policies contained in the Plan. In this case the key policies are set out below.

Policy 33 – Tourism Related Development which supports tourism related development which has a beneficial impact on the local economy through enhancing the range and quality of tourism attractions providing it has no adverse environmental impacts

Policy 29 – Integrated and Sustainable Transport Network which supports development proposals where adequate consideration has been given to maintaining or improving the sustainable transport network through reducing car dependency and promotion of sustainable transport modes, and linking to the existing hierarchy of travel modes.

Policy 6 – Landscape which sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits.

Policy 34 – Outdoor Access applies which encourages development which improves opportunities for responsible outdoor access

Policy 5 - Biodiversity which sets out the importance of ensuring there is no adverse impact upon habitat or species identified in the local biodiversity action plan.

*Policy 16: Design Standards* for new development sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of sustainable design guide.

### Supplementary Planning Guidance

12. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Guidance on Natural Heritage applies here. This guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals.

### CONSULTATIONS

13. **The CNPA Access Officer** has been consulted and has no objections on public access grounds. The officer notes that there is a strong desire in the community of Dulnain to see better access to the River Spey. Whilst no discernible path exists at present, there may be scope in the future to develop this river side link under the A95 and down to the river on the east bank. It is therefore recommended that the proposed crossing at the southern end of the site should provide for any likely future public access needs.
14. **The CNPA Ecology Officer** advises that western half of the track runs over hard standing and between arable land with the eastern half consisting of unimproved acid grassland which is rich in wildflowers due to lack of grazing. There is potential to retain some of this habitat in verges of the tracks. A small number of trees lie along the route and it is hoped that could be retained with only some lopping. Drains pass under the dismantled railway some of which will ultimately feed into the River Spey Special Area of Conservation. There are no other designations in the area. The officer concludes that there are no impacts upon protected or non protected species in this case as the development is not considered to impact upon their habitats. Remaining trees should be retained and lopping carried out outwith the bird breeding season. Unimproved grassland should be retained as much as feasible along the verges with any turves excavated replaced to maintain plant species diversity. A construction method statement (CMS) will be required to details how run off and sedimentation will be dealt with. (*Note – a CMS has been provided and is considered acceptable by the consultee*)
15. **The CNPA Economic Development Manager** notes that this is part of a phased project to complete the steam railway line from Aviemore to Grantown on Spey. When combined with the other phases it has the potential to impact positively upon the local and wider economy due to increased visitor numbers, both to the steam railway and the communities it serves. It also has potential to improve transport connectivity to the area. The steam railway is already identified in the Boat of Garten Interpretation Strategy as a significant visitor attraction and its extension should enhance the visitor experience and allow synergies with other recreational activities such as walking and cycling (Speyside Way) and canoeing. Accordingly, in economic development terms the proposal is supported.

## REPRESENTATIONS

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

## APPRAISAL

### Principle

17. This proposal essentially seeks to extend the existing Strathspey railway line north eastwards. In land use terms the works are terms entirely appropriate to the existing use, (i.e. former railway line) and represent the first phase of a future wider programme to extend the steam railway line from Aviemore all the way to Grantown on Spey.
18. The principle of this development complies fully with national and local planning policies which seek to support tourism related development, as the proposals will enable the ongoing expansion of a popular visitor attraction within the Park. The development also complies with national and local plan policy to support sustainable travel. Furthermore, as noted by the CNPA Economic Development Manager, this proposal has considerable potential to enhance the tourism potential of the Park and attract more visitors which is of benefit to the wider economy and services of the Park.
19. The key planning issues to be considered are the impacts upon the qualities and aims of the park, with regard to access, environmental and design issues.

### Access Issues

20. The proposal will assist in enhancing wider access to the Park by enabling visitors to continue their journey further into the park and may benefit walker and cyclists too, who can join the train. Ultimately the opportunity also exists to promote local journeys between communities using public transport instead of reliance on cars. This fully complies with planning policies on sustainability and transport.
21. It is, however, important ( as noted by the CNPA Access Officer) to take the opportunity to ensure that future walking access to the River Spey from Dulnain is facilitated in terms of suitable crossing points. The applicants are agreeable to making such provision and this may be covered by an appropriate condition in the event of planning consent being granted.

### Environmental and Design Issues

22. In terms of environmental impacts the key planning issue is any impacts upon the natural environment here as a result the development and its construction together with landscape impact. Any environmental impacts are limited, as noted by the CNPA Ecology Officer and can be mitigated

satisfactorily by planning conditions and by good construction techniques as set out in the applicants' construction method statement

23. In terms of landscape impacts, the re-laying of the railway track will have little impact, using the existing line of track along level ground from Dulnain Water to Lower Gaich and retaining existing trees. The construction method statement further sets out how the impacts will be minimised. Consequently, this aspect of the application complies fully with Local Plan Policy 6 on Landscape which seeks to ensure that development complements and enhances the landscape character of the Park
24. However, the proposal for re-aligned farm tracks will be much more intrusive at 7 metres width. This aspect of the application will result in a corridor of access track as wide as the railway line and its banking with no potential for mitigation as it is proposed that the entire width of track be finished in hardcore.
25. Concern regarding the visual impacts of this proposal were raised by officers and information sought as to why this width of track was deemed necessary. Whilst no detailed supporting justification has been provided as to the operational need for a track of this width, it is understood from the applicants that the landowner considers this necessary for farm machinery such as combine harvesters.
26. Given that the existing farm access runs along the former railway line at around 3 metres maximum width and operates satisfactorily, it is considered that a track of more than double this width is excessive. Furthermore, linking tracks from the farm are around 3 metres width.
27. Accordingly it is recommended that the width of the track be reduced to a maximum of 3.5 metres. The applicants are agreeable to this suggestion and it is considered necessary if the application is to comply with Local Plan Policy 6 on Landscape. It is also noted in relation to this policy that exceptions should only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits. No such case has been made in relation to agricultural need for this width of track here.

### **Conclusion**

28. Overall the application is welcomed as part of the ongoing steps towards the continued improvement of public access here, as well as enhancing the already popular visitor experience associated with the Strathspey Railway line, and thus securing economic benefits for the wider area. Any potential environmental impacts arising from the construction stage can be protected by appropriate planning conditions, and in the overall circumstances it is considered that this development could readily proceed without damage to the intrinsic environmental qualities of the area. Accordingly approval subject to appropriate conditions is recommended.



## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

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

29. The proposed development supports this aim in terms of bringing an important part of the cultural heritage of the area (the railway line) back into use. Impacts upon natural heritage such as trees can be mitigated satisfactorily and the creation of new farm tracks will largely impact upon land already in agricultural production, relating visually to the existing development areas here. Providing the width of the tracks are restricted to minimise visual impacts, the application will support this aim.

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

30. The proposed development will bring a redundant railway line back into use and encourage the use of public transport which supports this aim. The construction of new farm tracks will require use of new resources, but this is considered to be compensated for by the benefits of the new railway line providing the level of new build associated with the tracks is contained.

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

31. As part of the ongoing wider development to extend the Strathspey railway line, this proposed development would greatly enhance access and recreation opportunities in the area by improving public access, enhancing the visitor experience and encouraging more visitors to the area. The proposal is therefore considered to fully support this aim subject to pedestrian access across the line being safeguarded.

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

32. Again, as part of the ongoing wider development to extend the Strathspey railway line the development will promote sustainable economic development by encouraging further visitors into the area, with subsequent economic spin offs for the wider community. In addition there is future potential to allow the route to be used to facilitate access for people to travel to work using public transport. Accordingly the development has considerable potential to promote sustainable economic and social development in the area and fully supports this aim.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION TO Re-lay rail on existing track & provide farm access roads & fences to fields at Dismantled Railway Line 420M East Of Viewfield, Easter Curr Dulnain Bridge subject to the following planning conditions:**

1. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority, no trees shall be removed and no trimming or lopping of trees shall take place during the bird breeding season (April to July in any calendar year)

**Reason:** In order to ensure there is no disturbance to birdlife in accordance with Local Plan Policy 5 on Biodiversity.

2. Unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority the construction works shall be carried out in accordance with the approved Construction Method Statement. In addition turves removed for construction of the railway track shall be re-laid on the verges created.

**Reason:** In order to ensure there are no adverse environmental impacts in accordance with Local Plan policies on Biodiversity and water resources.

3. No development shall commence until details of crossing points across the railway track for pedestrians (east of the Dulnain River) have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. These details to include position of crossings, design, warning signs and finishes. The crossings shall thereafter be implemented in accordance with the approved details before the development is opened for public use.

**Reason:** In order to ensure that that public access is maintained and secured in accordance with Local Plan Policy 34: Outdoor Access.

4. Notwithstanding the details shown for a 7m wide access (as shown on drawing number SRCT/BA005 - Proposed Accommodation Works) no development shall commence until details of a reduced width of new access track (maximum 3.5 metres) have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The tracks shall thereafter be implemented in accordance with the approved details

**Reason:** In order to ensure that the development complements and enhances the landscape in accordance with Local Plan Policy 6: Landscape

**ADVICE NOTES:**

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration
2. It is recommended that 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 on Sundays or Bank Holidays in order to minimise disturbance to residents in the area
3. The developer should ensure full compliance with SEPA advice on working near watercourses available on SEPA website.

**Officer Name: Katherine Donnachie**

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**Date: 18 July 2014**

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