
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR THE ERECTION OF REPLACEMENT HIDES; UPGRADING OF CAR PARKS AND PATHS (FOR DDA); AND ERECTION OF INTERPRETATION BOARD AT INSH MARSHES NATURE RESERVE, KINGUSSIE.

REFERENCE: 09/002/CP

APPLICANT: RSPB SCOTLAND

DATE CALLED-IN: 23RD JANUARY 2009

RECOMMENDATION : APPROVE WITH CONDITIONS

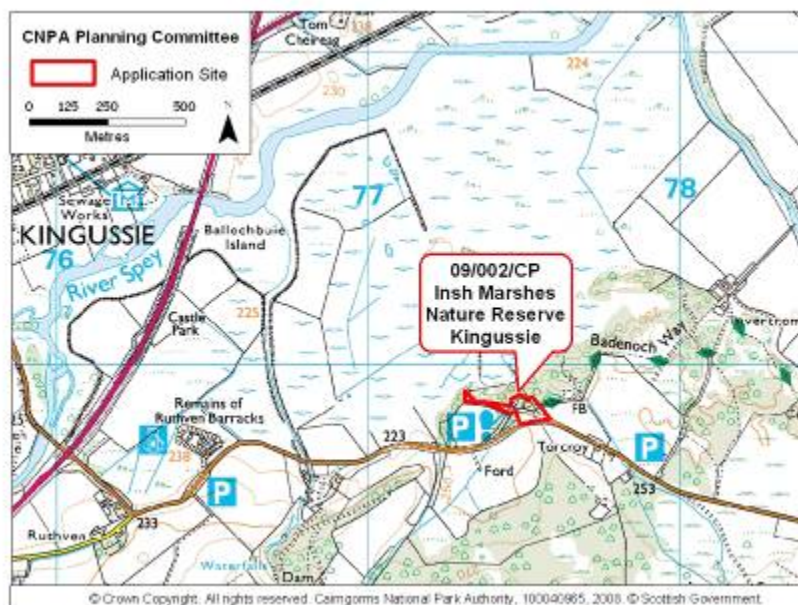


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is being sought in this application for the erection of two replacement hides, the upgrading of an existing car parking area and paths, and also the erection of an interpretation board at the Insh Marshes Nature Reserve. The site is located adjacent to the B970 approximately 1.4 kilometres to the south east of Kingussie.
2. The site currently accommodates two hides, which have been in position for some time and are in a deteriorating condition. The applicants, RSPB, consider that the replacement of the hides is necessary. The first hide which is proposed to be replaced is the reception hide. The existing structure is a basic timber clad building, positioned to take account of the natural features of the site, so that only a limited area of it is visible from the path approaching it. The hide is located on the edge of the hillside and contains windows on three sides (north, west and east), in order to facilitate views over Insh Marshes. Internally the structure accommodates various information panels and limited seating facilities.



Fig. 2 : Reception Hide, exterior



Fig. 3 : Reception Hide, interior

3. The replacement reception hide is proposed to be constructed on the footprint of the existing structure. The proposed design is more elaborate than the existing, having a semi circular form and extending over two levels. The stone walls either side of the existing path would be widened and the path would be resurfaced, in order to facilitate all abilities access to the internal 'ground floor' area. The interior space would accommodate a combination of fixed and moveable seating, as well as 4 viewing scope mounting posts, positioned close to the floor to ceiling viewing windows that make up the northern elevation. Two timber columns would be centrally positioned within the internal space for

additional support. The upper level of the new hide takes the form of an outdoor viewing platform and access would be gained via a non slip timber deck. Similar to the existing hide, the proposed new structure would be positioned on the cliff edge, with part of the structure having the appearance of being suspended from the hillside.

4. The second hide which is proposed to be replaced is located approximately 156 metres to the west of the reception hide, and is known as the Gordonhall hide. The RSPB consider that the replacement of this hide is necessary for two reasons – the existing structure is prohibitively limited in size, to the extent that it is not suitable for use as part of the regular weekly guided walks at the Nature Reserve, and secondly the views from the site are also limited. The replacement hide would be positioned approximately 12 metres south of the existing structure, in a slightly more elevated position, which would facilitate enhanced views over the marshes and the surrounding landscape. RSPB Scotland have confirmed that the site of the old hide, as well as 15 square metres of pathway in the vicinity, will be reinstated in an effort to offset any potential habitat loss that may result from the building of the new hide. The applicants estimate that reinstatement of the site will be minimal as the old hide was set on railway sleepers.



Fig. 4 : Existing Gordonhall Hide

5. The replacement Gordonhall hide is of a similar semi circular design to the reception hide, although considerably smaller and being confined to a single level only. Internal dimensions are 4.5 metres x 5.7 metres, with internal features including a number of moveable benches and a centrally positioned circular column. A set of 8 vertically sliding windows is proposed to be incorporated into the curved northern elevation. The replacement Gordonhall hide would be assessed via a short access bridge.

6. Both of the replacement hides are proposed to have an external timber clad finish, of larch or another similar locally sourced native species. The timber would not be stained, but would instead be allowed to weather naturally in a bid to ensure that the buildings assimilate into their natural surroundings. The sloping roof of the Gordonhall hide would have a shingle tile finish.
7. The existing site layout includes three car parking areas, which are laid out in a relatively informal manner. The main car park is currently located in an area of low ground to the west of the reception hide. As parking is limited in this area, two other areas closer to the access point off the public road are used informally as overflow car parking areas. It is now proposed to alter this arrangement by formalising parking in the current overflow areas, while the existing car park would be redeveloped as a picnic area. Within the new formalised car parking area, 10 car parking spaces would be created on the southern side of the access road, while two dedicated disabled parking bays would be created to the east of the access road. In conjunction with the provision of the formalised car parking bays a new footpath would be created to link the car park to the reception hide. The path essentially follows an informal route that has developed overtime between the overflow car park and the hide. The new path through this grassed area would be DDA compliant, approximately 1.5 metres wide, and with a wearing surface of gravel with chips of no more than 6mm in diameter. An interpretation board is also proposed to be erected in this area in order to provide orientation information. RSPB Scotland consider that the new car parking and path arrangement would provide increased opportunity for all abilities access at the site, and is more appropriate than the current arrangement which necessitates access from the main car parking area to the reception hide via a steep staircase, which currently limits use of the facilities to the able bodied.

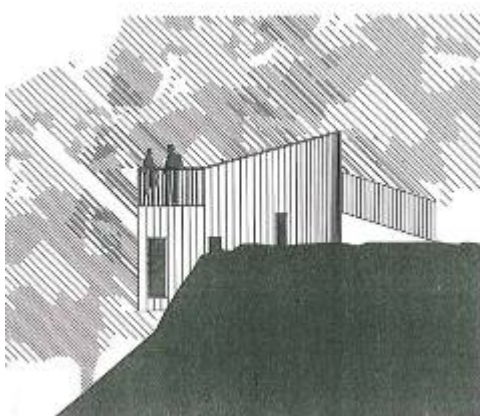


Fig. 5 proposed reception hide

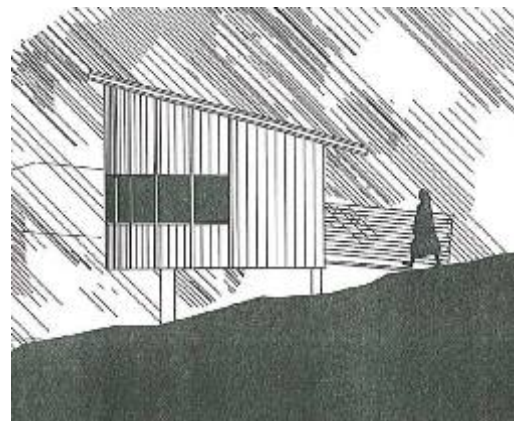


Fig. 6 : proposed Gordonhall hide

8. The new footpath linking the car park to the reception hide will result in the loss of approximately 140 square metres of grassland habitat. However, this will be offset through reinstatement works at the existing car parking area, which will be reinstated to grassland to form a picnic area upon completion of the new car parking areas.
9. RSPB Scotland have confirmed in supporting documentation that all building work will be undertaken outside the bird-breeding season in the interests of limiting disturbance to wildlife on the marshes. In addition it is also proposed make provision for bats by the construction of bat boxes, which would be suitably located in surrounding trees. A bat survey has also been carried out at the existing hides and it has been confirmed that the structures do not accommodate bats at the present time. Finally, in support of the proposal, RSPB Scotland has made the point that all of the proposed works are required in order to get Insh Marsh's infrastructure up to a standard commensurate to its National Nature Reserve status. The applicants also estimate that the proposed works would result in a modest increase to visitor numbers from the current figure of 12,000.

DEVELOPMENT PLAN CONTEXT

National Planning Policy

10. National level advice regarding **Natural Heritage** is contained in **NPPG 14**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, paragraph 33 states that "while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities."
11. In a section entitled Enjoyment and Understanding of Natural Heritage **NPPG 14** acknowledges that "the natural heritage is enjoyed both for its intrinsic value and as a setting for open air recreational and educational activities which depend on its qualities." The benefits of natural heritage linked to open air recreation are recognised in the form of economic benefits to rural communities due to visitors being attracted to an area, as well as indirect benefits to the nation in terms of health and quality of life. Paragraph 22 of the Planning Guidance advises that

Planning Authorities should seek to identify opportunities for promoting the enjoyment and understanding of natural heritage which are compatible with its conservation.¹

12. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among features listed as being of potential value in the development of habitat networks are woodlands, rivers and burns.

Highland Council Structure Plan 2001

13. One of the strategic themes of the **Highland Council Structure Plan** is 'adopting a proactive approach to the wise use of the natural environment.' The environment is recognised as a key strength of the Highlands and the Plan acknowledges that it makes economic sense to promote good stewardship of the natural environment. The Plan suggests that there is huge potential to maximise economic opportunities from supporting better interpretation and investment in public access, amongst other things.
14. Section 2.5.10 of the Plan concentrates on the subject of informal recreation and access, noting that it is of very high importance, underpinning a range of recreational pastimes and their associated quality of life benefits, as well as being a key component of the tourism industry. The Plan however recognises that increasing demands for access necessitates the achievement of a balance between accommodating the needs of countryside users and protecting the fragility of the Highland countryside. Section 2.5.13 of the Plan notes that the "protection of rights of way and provision of an integrated system of well maintained and signposted paths catering for walking, cycling and equestrian use are a valuable resource for local communities and visitors, both in terms of providing access and heightening appreciation of the wider environment.
15. Section 2.13 of the Highland Structure Plan deals with the subject of nature conservation. The Plan notes that the existence of designations does not necessarily preclude development from taking place within or affecting designated sites. Developments affecting national sites (such as the National Nature Reserve) are

¹ Guidance on this has been prepared by Scottish Natural Heritage - *Countryside Recreation and Access Strategies : Guidance for Local Authorities* (1997).

possible where compatible with maintaining the features for which the site is designated. **Policy N1** states that within sites of national importance "development will only be permitted where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance." The Structure Plan also recognises that there are socio-economic benefits associated with nature conservation resources, which should be optimised by a high level and standard of interpretation and understanding wherever possible. **Policy N2 – Interpretation and Enjoyment** accordingly states that "proposals for the interpretation, enjoyment and otherwise positive management of the nature conservation resource will generally be supported."

16. The **Highland Structure Plan** also includes a number of detailed policies on Tourism which are considered pertinent to the development proposal. Section 2.7.1 of the Plan describes tourism as a vital element of the Highland economy, and notes that opportunities to participate in outdoor pursuits are amongst key visitor attractions. The Structure Plan strategy aims to build on the Highland identity and take a proactive approach to the wise use of the natural environment as a primary resource for tourism. Section 2.7.1 also highlights the fact that community needs should also be considered in order to ensure that facilities and opportunities are provided which serve the needs of both visitors and local residents.

Badenoch and Strathspey Local Plan (1997)

17. The Local Plan includes a specific section on Nature Conservation, with paragraph 2.5.5 stating that a presumption will be maintained against development which would have a significant detrimental effect on any of the following designated nature conservation sites. Paragraph 2.5.6 advises that regard will be had to the local nature and wildlife conservation value of nominated areas when considering future proposals for development or interpretation. Insh Marshes is listed as one of the notable wildlife sites.
18. The **Local Plan** also details a number of pertinent conservation objectives and states that the priority is to promote sustainable development of the areas' resources and ensure an acceptable balance between economic growth and safeguards for the outstanding heritage. The conservation strategy advocated for the countryside includes the upgrading of facilities for recreation,

tourism, interpretation and education / research in more robust locations.

Cairngorms National Park Plan (2007)

20. The Strategic Objectives that provide a long term framework for managing the National Park are set out in the **Cairngorms National Park Plan** under three broad headings – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park. In terms of conserving and enhancing the Park, section 5.1.2 refers specifically to natural and cultural heritage, particularly landscape and the built and historic environment. The Plan advises that all new development and management of the landscapes and settlements within the Park should be based on a sound understanding of the natural and cultural heritage of the area. Strategic objectives for landscape, built and historic environment include ensuring development complements and enhances the landscape character of the Park, understanding and conserving the archaeological record, historic landscapes and historic built environment, and raising awareness and understanding of the influences of natural processes, land management and culture on the landscape character.
21. In relation to the broad heading of 'enjoying and understanding the Park', the Plan alludes to the fact that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and that visitors come from many different places, with different interests and levels of knowledge about the area. It acknowledges that the experiences of residents and visitors enjoying the National Park should be of the highest quality. Section 5.3.2 of the Park Plan refers to sustainable tourism, and some of the strategic objectives of relevance include raising awareness of the Park as a premier, year round, rural tourism destination, recognising its outstanding natural heritage; improving and maintaining the quality of experience in the Park for all visitors; maintaining a high quality environment by encouraging sound environmental management; developing and maintaining a wide range of opportunities for visitors to experience and enjoy the special qualities, distinctiveness and natural and cultural heritage of the Park; and ensuring that visitor information is targeted at specific audiences and encourages resource protection and responsible access. On the theme of enjoying and understanding the Park, section 5.3.3 of the Plan deals with outdoor access and recreation. Strategic objectives of relevance to the current proposal include the promotion of high standards of responsible enjoyment of the Park so that its special qualities are understood

and appreciated, safeguarded now and for future generations to enjoy and the respecting the interests of others.

CONSULTATIONS

22. The proposal has been assessed by the Area Roads and Community Works Division of Highland Council. There is no objection provided that the roadside vegetation on the south side of the B970 public road, east of the site access, is cut back and maintained in order to maximise visibility in an easterly direction from the site access.
23. **Scottish Natural Heritage** has assessed the proposal and the consultation response notes that SNH has been involved since the proposal was conceived. **Scottish Natural Heritage** are supportive of the development and view it as a necessary steps towards the upgrade of visitor facilities in order to make them compliant with agreed National Nature Reserve standards. In discussing the natural heritage interests, it is noted that the location of the proposed development lies within the boundaries of the River Spey and Insh Marshes SSSI, SPA and Ramsar sites, as well as Insh Marshes SAC. It also lies within the Insh Marshes National Nature Reserve. The River Spey and Insh Marshes sites are designated for a variety of wetland or wetland related habitats, breeding birds and mammals, wintering bird life, invertebrates and vascular plants. Two European Protected Species are also found at Insh Marshes – the European Otter is a notified feature of interests and several bat species have also been recorded in the area.
24. **SNH** note in appraising the likely impacts affected that none of the habitats which were listed as features of interest of the designated site lie within the area of the proposed development. **SNH** also note that there is a net gain of habitat calculated from the proposals, as the proposed permanent loss of habitat associated with the new path and relocated hide is more than offset by the proposed gain through the restoration of the footpath, hide base and existing car park.
25. In terms of European Protected Species **SNH** note that a bat survey has been submitted, which notes that “at the most, an occasional male or non-breeding female may use a space like this in summer (*referring to a gap between the felt roof and corrugated sheeting*) but there were no signs of previous use of the hide by bats.” The report also recommends in the event that it is suspected that bats have started using the building, that any work being done should be halted immediately and further advice sought from **SNH** or a

licensed bat worker. **Scottish Natural Heritage** agree with this recommendation and in the consultation response advise that such a caveat be included in the event of planning permission being forthcoming. European Otter is considered unlikely to be affected by the proposal. In summary SNH conclude that the development poses no threat to the maintenance of the population of the species and in particular welcome the applicants intention to install bat boxes located in surrounding trees, which would add to the existing habitat provision for bat species.

26. The consultation response from **Scottish Natural Heritage** concludes by confirming that there is no objection to the proposal and also highlighting that that **SNH** (together with the CNPA and others) are part funding the project.
24. **Kingussie Community Council** was consulted on the proposal but has not commented.
25. The **CNPA's Senior Visitor Services Officer** has commented that the proposal helps to deliver agreed actions in the National Park Plan, including promoting and interpreting the suite of National Nature Reserves as being best suited for the experience of special natural qualities in the Park, and also making information available about the key, easily accessed features in the Park that best represent the special qualities of the area. As such the proposal is supported by the CNPA's Visitor Services and Recreation Group and it was also noted that a grant has been offered to the RSPB toward the development.
26. The **Visitor Services and Recreation Group** has also assessed the proposal from the point of view of access. There is no objection to the proposal, although some general comments have been made. The access officer comments that the new path from the car park to the reception hide should be constructed in accordance with the BT Countryside for All Accessibility Standards – *Rural and Working Landscapes*. The Outdoor Access Officer also sets out a number of parameters for the proposed improvements to the path towards the Gordon Hall hide, including a requirement that the path be at least 1000 mm wide, that the riser height of any new steps is curtailed to 165mm, and that the tread should be constructed with a no-slip, slightly textured surface which would remain slip resistant when wet or muddy. The applicants have been advised of the Access Officer's criteria and it has been confirmed that work will be undertaken in accordance with the requirements.

27. The **CNPA's Economic and Social Development Group** has also considered the proposal and comment that it seeks to improve visitor facilities at the National Nature Reserve. The proposal is considered to fit well with many aspects of the Cairngorms Sustainable Tourism Strategy, particularly concerning visitor experience and all-abilities access. The Economic and Social Development Group are therefore fully supportive of the proposal.

REPRESENTATIONS

28. No representations have been received in respect of the proposed development.

APPRAISAL

28. The proposed development is located within an area which is heavily designated for its natural heritage value, with a myriad of designations including European and National status. The main issues to consider in assessing this application are therefore whether or not the principle of the development is acceptable and whether or not the proposal has implications for the natural heritage value of the site. The proposal will also be considered in the context of the aims of the National Park.
29. The planning policy applicable is outlined in paragraphs 10 – 19 of this report. The development essentially represents an improvement to the existing facilities at the Insh Marshes National Nature Reserve, involving the replacement of the two existing hides with higher quality structures, in a contemporary design, utilising materials that would assist in assimilating the structures into the hillside on which they are proposed. The remainder of the works proposed as part of this planning application also involve improving on the existing situation with regard to car parking, pathways, landscaping and general access provision to the facility for all visitors. The principle of a development of this nature at the National Nature Reserve has already been accepted, with limited visitor facilities having existed in their current form for some time, and I do not consider that the proposals to upgrade and improve the facilities on the site conflict with planning policy. In terms of the siting and design of the proposed new hides, as already detailed the new reception hide will be located on the footprint of the existing structure, while the Gordonhall replacement hide will be positioned a short distance uphill of the current location. Both of the hides will occupy an elevated position, relative to the lower lying marsh land to the north.

However, due to the limited scale of the two new hides, as well as the sensitive choice of external materials, neither of the structures would give rise to an adverse visual impact. The replacement Gordonhall hide is limited in scale and is adjacent to a small area of trees, while the replacement reception hide would effectively be built into the hillside, and from a distance would almost appear to be enveloped to the rear by the natural landform.

30. The consultation response from **Scottish Natural Heritage** is a clear indication that although the proposal site lies within the boundaries of several sites designated for their natural heritage interests, the development would not impact on the features of interest of the sites. A net gain of habitat would be secured through the restoration of the base of the Gordonhall hide, as well as the redevelopment of the current car parking area as a grassed picnic area. The applicants have also agreed to install bat boxes in trees surrounding the site in order to add to the existing habitat provision for this European Protected Species.
31. The remainder of the consultation responses received have also been positive in their view of the development proposal. The development would result in the upgrading of the standard of facilities at the site to accord with the expected standards at National Nature Reserves. It would also offer increased potential for visitors (through the provision of improved facilities, as well as the pathways and access arrangements being DDA compliant) to experience the special qualities of the nature reserve.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

32. The proposal has no negative impacts on species or habitats in the National Nature Reserve. The proposed development primarily involves the replacement of existing structures and the formalisation of car parking and footpaths within the site. It is of benefit in providing enhanced opportunities to raise awareness of the natural heritage value of the area.

Promote Sustainable Use of Natural Resources

33. The development includes utilising locally sourced sustainable timber products as the main construction material in the replacement hides.

Promote Understanding and Enjoyment of the Area

34. The proposed development would provide enhanced opportunities for the general public to understand and experience the natural heritage value of the Insh Marshes National Nature Reserve and would also provide increased opportunities for all abilities access at this site.

Promote Sustainable Economic and Social Development of the Area

35. The new hide facilities, as well as improved car parking facilities and the provision of all abilities access opportunities represents an improvement to the facilities at the Insh Marshes National Nature Reserve, and the applicant predict that the improvements would result in an increase in visitor numbers at the facility.

RECOMMENDATION

That Members of the Committee support a recommendation to :

Grant Full Planning Permission for the erection of replacement hides; upgrading of car parking and paths (for DDA); and the erection of an interpretation board at Insh Marshes Nature Reserve, Kingussie, subject to the following conditions : -

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Any new footpaths on the site shall be constructed in accordance with the standards for All Abilities paths as set out in "BT Countryside for All, Good Practice Guide".
3. Prior to the commencement of development, details of the proposed interpretation board and the extent of interpretation on the proposed panel shall be submitted for the written agreement of the Cairngorms National Park Authority, acting as Planning Authority.
4. In the event that it is suspected that bats have started to use either of the hides that are proposed to be replaced, all work shall be

immediately halted and shall not proceed until further advice has been sought from Scottish Natural Heritage.

5. Prior to the commencement of development roadside vegetation on the B970 public road shall be cut back. The vegetation shall be maintained at all times in order to maximise visibility in an eastern direction from the site access.

Mary Grier
25 March 2007

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