

PAPER 5

2013/0393/DET

APPENDIX I

Speyside Way

Andrew Maciver

24 February 2011 14:53:54

Major McLaren

Further to our earlier conversation in connection with the Speyside Way, I confirm that in relation to your request for clarification with regard to section 69 of Kinrara Draft Path Order statement on objection, I confirm that TECS would have safety concerns with directing pedestrians over the Loch Alvie road bridge over Allt Didheach burn but would have no objection in principle to a bridge for an alternative route for the Speyside Way being constructed adjacent to the road bridge provided it is out with the road boundary and set back an appropriate distance from the existing road bridge to allow inspection and maintenance to be carried out. I confirm that in relation to any proposed or alternative route for the Speyside Way, TECS concerns relate to any sections which are within the road boundary and any road crossing points which would require a road safety audit.

Regards

Andrew

Andrew Maciver

TEC Services, Nairn/Badenoch & Strathspey,

The Highland Council,

Unit 4C, Dalfaber Industrial Estate, Aviemore, PH22 1ST

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Mura h-eil na beachdan a tha air an cur an cèill sa phost-d seo a' buntainn ri gnothachas Chomhairle na Gàidhealtachd, 's ann leis an neach fhèin a chuir air falbh e a tha iad, is chan eil iad an-còmhnaidh a' riochdachadh beachdan na Comhairle, no buidhnean buntainneach, agus chan eil am post-d seo na phàirt de chunradh sam bith mura h-eil sin air innse.

Speyside Way Extension to Newtonmore
Report on site visit to discuss route options through Kinrara Estate,
Aviemore.

Phil Clarke
Paths for All Partnership, 18/04/04

1.0 General

It is proposed to extend the Speyside Way to Newtonmore from its existing terminus at Aviemore. The route is currently being planned with various options being considered. This site visit looked at some specific issues relating to route options through Kinrara estate in relation to several possible crossing sites of the river flowing into Loch Alvie adjacent to the B9152 and the railway line. Refer to the attached site plan for route details.

[Handwritten mark] See CNPA Draft Path Order (para 59)

2.0 Site 1 – adjacent to existing concrete bridge carrying B9152 *Rev B*

This crossing point would be used on the basis that a route for the new path would be created alongside the B9152. In terms of the route itself there is a strip of woodland in which it would be straightforward to create a new path. There is a pinch point at the Northern entrance to Kinrara estate and also past a house which is located immediately adjacent to the road. In both cases there is enough of a verge to turn into an adopted footway beside the road carriageway. Approval from the house owner and Highland council transportation service will be required. In terms of crossing the river there is an ideal site for a new bridge immediately beside the existing road bridge. The existing road bridge is a mass concrete twin span arch. A new bridge could be located such that its abutments would not affect the road bridge abutments. This would require a span of 25m which would be placed at a slight skew across the river. In terms of a suitable design it would simple to crane a new bridge straight off the B9152 onto new abutments, subject to suitable traffic management procedures being put in place. Therefore a number of designs would be possible from a simple timber truss as provided by the various bridge companies to a more elaborate bespoke span, depending on the budget of the project. The attached drawing indicates a suitable layout. On the north side of the river there is evidence of an old road formation, now largely over grown which would provide an excellent solum for a new path. On the south side the ground is sloping but there is room to create a new path at an easy gradient up to the Kinrara access road.

3.0 Site 2 – adjacent to railway underbridge west side

The proposal is to cross the river immediately adjacent to and on the west side of the existing railway bridge over the river and then to route the path along the toe of the railway embankment. This crossing point would require an abutment to be built into the toe of the railway embankment. Similarly the path would also require construction into the embankment. It is very doubtful that Network Rail would approve such a proposal without extensive and expensive engineering works to guarantee the stability of the embankment and costly way leave agreements and line closures. Similarly it is inevitable that the Speyside way management would then take on a maintenance liability for the embankment. This option is therefore not considered feasible.

Site 3 – Adjacent to railway underbridge east side. Route A

Proposed route would involve routing the path along the estate access road for approximately 100m and then down the steep bank just after the estate road has passed the railway. The route would then follow the field edge to the river and a new bridge and 20m span installed. Beyond the river there is space to create a route at the railway embankment until it merges with a hillside. This section is on the boundary of the railway embankment and a very wet, marshy area adjacent to the river. Beyond this would be necessary to construct a switchback route under power lines over the main issue with this site is the limited plant access to the section to the north of the route would have to be created from the north to the south using material excavated from cutting the switchback path to infill the bottom of the railway embankment. In the event of bridge installation, any design would have to be transportable over soft ground and erected without a crane. A design such as the Haley Engineering 'Ranger' bridge which uses galvanised steel aerial mast sections for its main beams would be suitable although it should be noted that this design is not suited to equestrian access at this location. Other designs may be suitable subject to consultation with a bridge designer / supplier. The option is feasible but the impact of the new path on the wetland to the north of the river and also the likely interference with the railway embankment, as well as the general cost of this option make it less desirable than site 1.

Site 4 – alignment of route between B9153 and railway line

In addition to the previous sections another route proposal immediately south of Avic was investigated for feasibility. The proposal is to locate a new path between the B9153 and the railway line. The 'crux' of this option was a section whereby the road embankment was cut into the side of the railway cutting. The width available was something less than the width of the road and was located on a steep side slope located within the railway boundary. Given the presence of existing equipment and services in the railway embankment, as well as the proximity of the railway itself, even if a costly retaining wall was used (the only possible way of locating the path within this narrow corridor) this route would not be feasible. It is highly unlikely that Network Rail would even consider such a proposal and so is not worth considering a

Conclusions

Site 1 presents the easiest technical challenges with the only disadvantage being the need to ensure the route run beside the road carriageway where it passes the private house and it will be possible subject to consultation with the house owner and roads authority for approval.

Highland
Council
Planning and
Development
10 DEC 2013

Leault -
Flower Craig
2/12/2013

Mr. J. MacKackern

Highland Council
Planning

Cairngorms National
Park Authority
12 DEC 2013
RECEIVED

Dear Mr MacKackern

I understand from Major
MacFaren Kinkara you
have had no objections
from me or my son Neilross
regarding the Diphach bridge
You yourself do know
of course that we did object
and you left a message
asking what the bridge
has got to do with snow
grains, well people have
called as happens frequently
open makes this planned
bridge a more than ever
easy access to railway
PTD

Crossings and the A14 A9
or B1957 which could
result in rail and road
incidents, you probably
know yourself you've got
the path on the wrong side
of the ~~road~~ ^{Railway} way way

I thank you
yours faithfully

[Redacted signature]

And

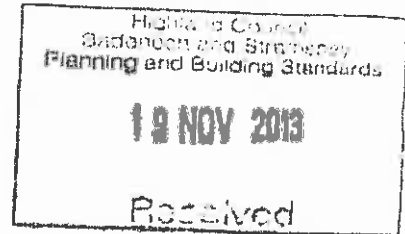
[Redacted name]

Highland Council
Badenoch and Strathspey
Planning and Building Standards
10 DEC 2013
Received



**Auchterblair Farm
Carrbridge
Inverness-shire
PH23 3AG
16th November 2013**

**The Highland Council
Area Planning Office
100 High Street
Kingussie
PH21 1HY**



Dear Sirs,

I strongly object to the proposal to build a pedestrian bridge and associated footpath over the Dibheach Burn south of Aviemore.

The proposed route will be very expensive and difficult to construct. It also runs through an SSI area.

If a footpath and bridge have to be built a much more economic option would be to put it between the railway and the old A9 road, saving a lot of public money.

Yours faithfully



T L Stirling

From: ANNE MCLAREN

Sent: 17 November 2013 17:36

To: Planning - Badenoch&Strathspey

Cc: Malcolm Macleod - Planning; Allan Todd

Subject: Speyside Way: Allt Dìbheach Bridge and associated path notice 4th & 5th November 2013.

Dear Andrew

It is submitted that the importance of these applications are such that it should be heard by the full south Highland Planning Applications Committee, as opposed to the planning officer under delegated powers. There is confusion over the Allt na Criche bridge location. The CNPA supported the construction of this bridge (application number 2013/001/DET) on land between the B9152 and the railway (CNPA letter 7th Jan 2013).

This was published accordingly in the Strathy on 10th January 2013. It has now been built as a “stand alone project”, between the railway and the river.

These two planning applications are objected to on the following grounds:

- Both notices are unsigned.
- I was not notified.
- No account has been taken of the “rights and interests of the owners of the land” (Land Reform (Scotland) Act 2003 section (1) (2) and article 6 of the

European Convention of Human Rights.

- The CNPA requirement that, “in the event of conflict between aims, conservation of the natural and cultural heritage must take precedence”, has been ignored. In particular with regard to the otter and water vole shelters (Ecological Survey 14th May 2010).
- No explanation has ever been forthcoming as to why initially SNH proceeded under the remnants of the Countryside (Scotland) Act 1967 section 39 – 42 (Turcan Connell LXX/NSM5520001 Dated 2nd December 2009 to CNPA).
- The process whereby CNPA is proceeding on the basis that “they are entitled to insist that any path agreement follow precisely the route to which SNH state that they have obtained Ministerial consent”, is an infringement of Human Rights (Turcan Connell 2nd December 2009). In point of fact minor variations are permitted. Given that the difference apart between the two routes is only the width of the railway line this should qualify.
- The Reporter has been miss-informed with regard to the need for the alternative route having to move on to the B9152 where it crossed the Allt Dibheach, south west of the Rowan Tree Hotel (Reporters report to the Minister para’s 28 and 29 dated 15th Nov 2011). It has never been suggested that the route should do so. It was agreed that there is no need for it. The lack of sightlines is therefore irrelevant. There is no need to utilise the cattle creep either. In point of fact the Highland Council TEC Services, “have no objection to a bridge for an alternative route for the Speyside Way being constructed adjacent to the B9152 bridge, provided it is outwith the road boundary and set back an appropriate distance from the existing road bridge, to allow inspection and maintenance to be carried out” (Highland Council TEC Services email 24th February 2011).
- The Paths for All Partnership (PFAP) Civil Engineers report (18 April 2004), following its onsite meeting is in favour of the construction of a bridge over Allt Dibheach. He states “there is an ideal site for a new bridge immediately beside the existing B9152 road bridge. A new bridge could be located in such a way that its abutments would not affect the B9125 road bridge abutments. It would be simple to crane a new bridge straight off the B9152 onto new abutments. On the north side of the river there is evidence of an old road formation (General Wade’s Road) which would provide an excellent solum for a new path. On the south side there is room to create a new path at an easy gradient suitable for the disabled and horses.
- On the other hand the CNPA proposed bridge downstream of the railway line is much more problematic. “A new bridge of around 20 meters span with a steep hillside at either end”. The space at the toe of the railway embankment is within the railway curtilage. The fence was moved to allow access but the ground referred to remains part of the embankment of Network Rail and does not mark the boundary at this point. The route would have to traverse “a very wet marshy area adjacent to the river. Beyond this it would be necessary to construct a switchback route under power lines up and over the hill and to infill the bottom

of the railway embankment. The main issue with this site is the limited plant access. The bridge would have to be transportable over soft ground and erected without a crane. It would not be suitable for equestrian access, neither would it be negotiable for the disabled. The impact of the new path on the wetland (particularly the otters and water voles) also the likely interference and the migrating salmon, as well as the generally higher cost makes it less desirable than the forgoing alternative.

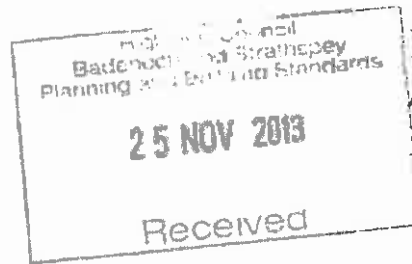
- As regard costs, the estimate for the bridge adjacent to the B9152 is £30,000 (SNH letter 10th march 2011). That for the CNPA proposal is £122,500 (Civil Engineer PAFP provisional costing section 5 and 10 – 12 attached).
- The Paths for all report concludes that “the site adjacent to the B9152 presents the easiest technical challenges, the only disadvantage being the need to make the route in part run beside the B9152 carriageway where it passes just two house in 4.5 miles, one of which is owned by Highland Council (PAFP 18th April 2004).
- The Reporter based on his site visit, is satisfied “that the road verge along the relevant section of the B9152 (between Kinrara’s north drive and Kinakyle) is wide enough for people to walk along. There is also an adequate roadside verge between Aviemore and Kinakyle”. (Reporters Report 15th Nov 2011 para 68).
- Given the foregoing it is evident that the then Minister Roseanna Cunningham was misled, since she states in her letter of approval in principal that the CNPA route beyond the railway line “provides the best combination of user experience, potential for development for multi-use, the fewest health and safety issues and being the most readily implemented from a technical point of view (Minister’s letter to SNH 21 May 2009) when clearly the opposite is the case.
- Subsequent to the foregoing Network Rail have raised the issue of the other three level crossing gates which have been in existence for 160 years (making a total of four) in the 4.5 miles through Kinrara, none of which have been commented upon by the Reported. Were the route to be adopted between the B9152 and the railway 3 of the level crossings all of which are next to exit points, would become surplus to requirements and the Estate would be prepared to enter into negotiations for their closure. If on the other hand the route is to be between the railway and the river they will have to remain open to enable the users to access the B9152 and the Rowan Tree Hotel at the half way point.
- The route between the railway and the river involves 4 level crossings and 12 gates. That between the B9152 and the railways, one level crossing and three gates. Currently the level crossing do not present a serious threat to safety, although horses, cattle and sheep are found on the railway line from time to time from people leaving the gates open.
- CNPA refer vaguely to “mitigating plans” but do not specify what they are. Last time they did so with regard to underpass 212 it transpired that they had no such contingency plan.
- The transportation of nuclear waste and fuel shipment is doubtless quite safe. However, in the event of an accident such as a derailment, will the public see it as

such? It would be an embarrassment for the Government who set such store by Scotland becoming nuclear free.

- Members of the Planning Committee are invited to attend an on-site recce following their meeting to see the problems on the ground for themselves. It is the absence of on-site recce to date which has resulted in the current predicament.
- I should be grateful if I could be permitted to make a presentation to the South Highland Planning Committee with regard to this very important problem, the consequences of which we will have to live with in perpetuity.
- Everyone recognises the desirability for the extension of the Speyside Way to Newtonmore. A compromise exists which, if adopted, would benefit all concerned. If the alternative route between the B9152 and the railway were to be approved the process of constructing the Speyside Way through Kinrara could start tomorrow. This saga has now been on-going for the past 20 years. It is submitted that it is in the public interest to draw a line and agree a workable solution which everyone can live with. If the public feel that they are being boxed in they will not use the route. Committee members are asked to approve the alternative route between the road and the railway (which was outwith the Reporters remit) as the best compromise solution acceptable to all under the circumstances. Or if this is beyond their powers, to refuse planning permission for CNPA's current proposal giving them the opportunity to think again and resubmit.
- The important thing is surely to get it right first time and thereby ensure harmony and cooperation in the years ahead. Given the will to do so this is achievable.

Robin McLaren.

November 23rd, 2013.



Easter Kinakyle,
Aviemore,
PH22 1PZ.

Dear Mr. McCracken,

Re: Proposed Speyside Way, Aviemore to Kincaig

It was recently brought to my attention that the route of the above passes next to my property at Kinakyle and I have as yet not received any documentation concerning the route, nor an opportunity to comment on it.

I am told that the route passes along the busy B9152 before descending to the railway underpass at Kinakyle. I note that the bridge across the Allt na Criche burn is already installed. I would like to point out, firstly, that the route along the B road is extremely busy with traffic. There is no pedestrian path and the route is likely to be altered again once the A9 is dualled. Also, the route under the railway underpass regularly floods on a number of occasions every winter, making the way impassable. The path then passes through pastureland with a number of gates, enclosing cattle and sheep grazing. Gates being left open by walkers could result in animals getting onto the road and the railway line. This already happens through visitors engaged in 'wild' camping.

I hope these comments will be taken on board at your forthcoming planning meeting.

Yours sincerely,

Dr. George Jachacy



Highland Council Badnach Planning and Building	LYNWILG COTTAGE, KINRARA ESTATE AVIEMORE PH. 22 19A
25 NOV 2013	
Received	

RE:-

22-11-13

PROPOSED SPEYSIDE WAY WALK:
Dear Mr Mc CAEKEN.

My wife and I are the owners of the above cottage situated on the Kinrara Estate at the entrance by the Lynwilg road junction, just over the railway bridge on the other side of the B9152. I am fully aware that there are plans to extend the Speyside way through parts of the estate, and that there is a possibility that part of the route may go more or less alongside the above cottage, possibly by about fifty yards or so. I must point

out to you that we have not received any notification of any planned route whatsoever, or being invited to any consultation whatsoever. This is totally out of the border and it looks to us that you and the various bodies connected with the Spayside Walk are quite prepared to "walk over, and ignore people and property who happen to be in the way" of the proposed route.

We strongly object to the route, which I believe will run right alongside the cottage on what is supposed to be part of the GENERAL WIDE ROAD.

Before you and your partners do decide to go ahead with your plans, please let me have the latest details of what is supposed

High Quality Standards
 Borders and Planning
 15 NOV 2013
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3

to be taking place and the route with measurements etc of proximity to the cottage, then we will decide what action to take in this matter.

Yours faithfully

Mr. J. J. O'Connell
Borough and Suburbs
Planning and Building Standards
25 NOV 2013
Received

Mr & Mrs J. RATABONE
"LYWING COTTAGE",
KINRARA ESTATE,
AVIEMORE
PH 22 1QA.