
CAIRNGORMS NATIONAL PARK AUTHORITY

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

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(DEVELOPMENT CONTROL)**

DEVELOPMENT PROPOSED: **CONSTRUCTION OF FOOTBRIDGE, AT ALLT DHAIDH MOR BURN, MAR LODGE ESTATE.**

REFERENCE: **03/052/CP**

APPLICANT: **THE NATIONAL TRUST FOR SCOTLAND, NORTH EAST REGIONAL OFFICE, THE STABLES, CASTLE FRASER, SAUCHEN, BY INVERURIE**

DATE CALLED-IN: **27 OCTOBER 2003**



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located west of the Linn of Dee along the vehicle track on the Mar Estate to the Geldie Lodge site, and is to the south of Duke's Chair. The proposal involves the construction of a new footbridge over the Allt Dhaidh Mor Burn, which will replace an existing (collapsed) vehicle bridge which is no longer required. The bridge will have a single span, which has its supports set back from the banks of the watercourse and as a result there will be no change or alterations to the bank profiles or the watercourse itself. The basic structure is a 6.9 metres long bridge, of galvanised steel beams, hardwood decking and softwood (local) handrails. The line of the (vehicular) track is being rerouted with an informal path to the position of the new footbridge (approximately 35m to the north of the former crossing).

DEVELOPMENT PLAN CONTEXT

2. The site lies within the River Dee candidate **Special Area of Conservation (cSAC)**, and the **Cairngorm Mountains National Scenic Area (NSA)**. These designations arise out of European and National Directives and Regulations respectively, and both require careful assessment of any new developments proposed.
3. For the cSAC, the River Dee is considered to have important populations of fresh water pearl mussels, Atlantic salmon and otter. Where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the designated conservation interests. This assessment may necessarily extend outwith the boundary of the site in order to determine any implications for the interests protected. This is in terms of the relevant Regulations (**the Conservation (Natural Habitats &c) Regulations, 1994**), where the Cairngorms National Park Authority (as the competent authority) has a duty to,
 - (a) determine whether the proposal is directly connected with or necessary to site management for nature conservation; and if not,
 - (b) determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
 - (c) make an appropriate assessment of the implication for the site in view of the site's conservation objectives.The authority can approve the proposal only after having ascertained that it will not adversely affect the integrity of the site. Otherwise the proposal could only be approved if there are imperative reasons of overriding public interest, which can include those of a social or economic nature.
4. For the NSA, any development should not have an adverse effect, and will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised – or any adverse effects will be clearly outweighed by social and economic benefits of national importance.

This is encapsulated in the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together, NEST)** Policy 19. In the **Finalised Aberdeenshire Local Plan** the main policy that covers this location is Policy Env\1 (International Nature Conservation Sites) where development that would have an adverse effect on a Natura 2000 or a Ramsar site will be refused unless the developer proves:

- (a) there are imperative reasons of overriding national interest, including those of a social, environmental or economic nature;
- (b) the objectives of the designation and overall integrity of the area will not be compromised; AND
- (c) there is no alternative site for the development.

Where development is allowed which could affect any of these designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest. Policy Env\5 provides protection to NSAs, only permitting a new development where its scale, location or design does not detract from the quality or character of the landscape, either in part or as a whole. In all cases the highest standards of design will be required.

CONSULTATIONS

5. Aberdeenshire Council Flood Prevention Unit (FPU) was consulted, and the Unit asked for further details on the structural calculations for the bridge, and details of flood flows for the burn in recent years. This information was sought from the consulting Engineers for the applicants and the information was provided. The FPU have now indicated that they are satisfied with the proposal.
6. Scottish Natural Heritage have been consulted, and their comments centre on the special designations for the area – the NSA and the cSAC. SNH considers that the bridge is not directly connected with, or necessary to site management for nature conservation. However, if a number of issues are satisfactorily handled, the construction of the footbridge is not likely to have a significant effect on the European features of interest. These issues include,
 - the bridge is constructed such that it is a single span with supports set back into the banks, as shown on the plans,
 - there is no modification of the channel profile,
 - there is no release of sediment into the watercourse,
 - there is no intrusion of machinery into the watercourse,
 - the crossing point is passable to migratory fishing (see “River Crossings and Migratory Fish: Design Guidance, SE consultation paper, April 2000),
 - there are no obvious structures such as large boulders or trees which may hold an otter holt adjacent to the bridge or the rerouted footpath.

7. Before work commences on site, SNH advise that the applicants submit details of the construction and working methods to the Planning Authority for approval, and that the site is checked for otters. SNH is prepared to comment on the method statement should further advice be required. If the Planning Authority decide to grant consent without conditions that cover SNH concerns, then SNH would consider that a significant effect on the European features of interest is likely and an appropriate assessment is therefore required.
8. Water Voles are known to be present in the Geldie Burn catchment, but to date have not been recorded in the vicinity of the bridge location. SNH advises that the site be checked for water voles, and if any signs are found, then SNH should be contacted for further advice.
9. In terms of the Cairngorms Mountains NSA, SNH believe that the proposal will not have unacceptable landscape or visual impacts at the proposed location, provided the bridge is constructed as described in the plans accompanying the planning application.

REPRESENTATIONS

10. No separate representations have been received.

APPRAISAL

11. In order to establish if a full assessment of the implications for the cSAC's conservation interests was necessary, further information and comments were sought from the applicants. Issues requiring further examination included the bridge construction and the banks and the water flow at the bridge site, and investigating whether this location is important for otters or other specially protected species.
12. Structurally the footbridge has been designed to take at least 10 persons at one time, and this is considered to be satisfactory for the level of usage expected. The positioning of the bridge has been carefully chosen by the applicants because at this site there are naturally formed banks - not artificially formed as the previous bridge had – which could suffer from scouring and erosion leading to instability of the bridge's foundations and support. With stable sides of the burn at the proposed location it is not proposed to carry out any alterations to the banks or provide any scour protection. Conventionally it would be expected to bed the bridge ends in concrete, but this is considered invasive to this natural site. The bridge design allows for the steel beams to sit on top of durable pads of timber. The bridge will be monitored over time to establish if there is any movement of the banks, and if needed the bridge can be moved (nudged) slightly to improve the safety margin. The design and structure of the bridge allows for adjustability as required and can be anchored to surrounding rocks if the risk of severe flood was expected.

13. The National Trust for Scotland was asked to carry out an assessment of the site and its immediate surroundings to examine for any activity of Water Voles and/or Otters. The Mar Lodge Ecologist carried out a local survey (50metres upstream of the proposed footbridge site, and downstream to the confluence with the Geldie Burn). There were no signs of the water vole, and the habitat at the site was not considered suitable for water voles due to the fast flow of water in this section of the burn, the stony banks and the rocky substrate. Some old otter spraint was found (under the old vehicle bridge) but there was no evidence of an otter holt.

14. In principle a new bridge is acceptable to provide ease of access across the Allt Dhaidh Mor Burn - a safe access for all abilities of recreational walkers, as well as Estate staff that are involved in conservation management in Mar Lodge Estate. The issue of positioning the footbridge in the right place is important with regard to minimising any impact on ground conditions in an area where erosion and scouring of the bed and banks of watercourses frequently occur. The new informal footpaths to and from the new footbridge also require careful establishment. Recent researches indicate that there are no otters active at the new bridge site. However it is advisable to carry out a final survey as part of the preparatory works for the erection of the new footbridge and the new paths, to ensure that there is no new evidence of an otter holt or water voles. A planning condition is recommended covering this issue, as well as ensuring that the contractors have procedures to prevent any interference to the water flow, or to the migration of fish, and prevents any accidental pollution to the burn. With these safeguards, it is considered that the proposal will not have a significant effect on the candidate Special Area of Conservation, or the National Scenic Area.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

15. Instead of replacing a vehicular bridge with a similar structure, it has been proposed to construct a footbridge only. This will limit the extent to which vehicular traffic can move into the western part of this Glen. This is to the benefit of the natural heritage of this area.

Promote Sustainable Use of Natural Resources

16. Some of the materials for the bridge will be sourced locally – for the bridge's handrails. Apart from the steel beams and the fixings, all other materials will be natural.

Promote Understanding and Enjoyment of the Area

17. The replacement of the bridging point over this burn for foot traffic will provide a safer (and therefore more enjoyable) passage for people using the network of paths through Mar Lodge Estate.

Promote Sustainable Economic and Social Development of the Area

18. Arguably the lack of a vehicular access to the remoter part of the Estate is contrary to the normal trends of seeking to improve access throughout rural areas, benefiting the economic and social development of an area. However, the active discouraging of vehicular access to the wilder and remoter areas of the National Park will benefit the economic and social development of the Park's more peripheral areas, where tourist and recreational businesses will be generated on the back of the conserved core cultural and natural heritage areas in the Park. The only significant negative impact of not replacing the vehicular bridge with a similar structure is for some disabled people, who would need special vehicular transport to get them into the remoter parts of the Park/Estate area to experience the special environment of these areas. Alternative locations or alternative means of transport would need to be considered.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant Full Planning Permission for the erection of the Footbridge at the Allt Dhaidh Mor Burn on Mar Lodge Estate, subject to the following conditions:

- i. The development to which this permission relates must be begun within 5 years from the date of this permission.
- ii. That prior to the commencement of the development a method statement shall be submitted for the approval of the planning authority, which indicates the final survey work for the paths and bridge site with regard to otters and water voles, the measures to be taken to ensure that there is no interference with migrating fish in the watercourse, no release of sediment to the watercourse, no accidental fuel spillages in proximity to the watercourse, and no intrusion of machinery into the water course, all prior to and during the construction of the new footbridge. Once agreed the approved measures and procedures will not be departed from without the express agreement of the planning authority.

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29th April 2004

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