
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: FIONA MURPHY
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

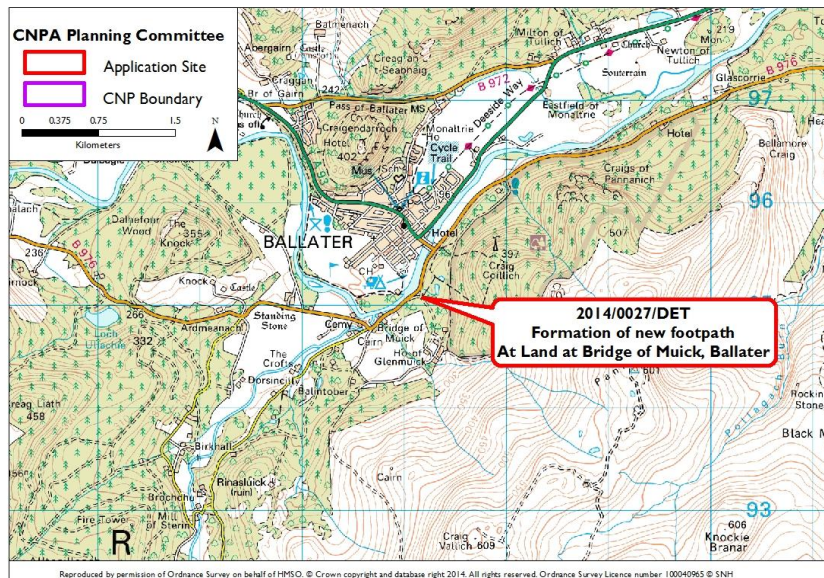
**DEVELOPMENT PROPOSED: FORMATION OF NEW FOOTPATH;
LINKING SECTIONS OF EXISTING
TRACK WITH UPGRADED AND
NEW PATH SECTIONS INCLUDING
FINGER POSTS, WAYMARKING,
FENCING AND GATE AT LAND AT
BRIDGE OF MUICK, ADJACENT TO
B976, BALLATER**

REFERENCE: 2014/0027/DET

APPLICANT: MR MURRAY SWAPP

DATE CALLED-IN: 10 February 2014

**RECOMMENDATION: APPROVAL SUBJECT TO
CONDITIONS**



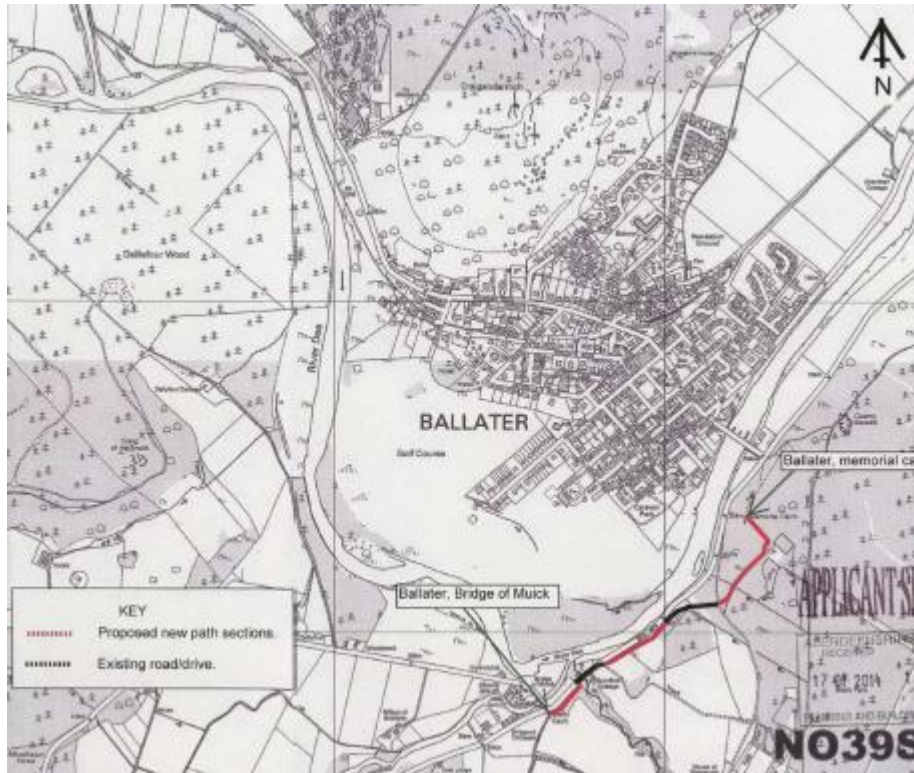
**Grid reference: E/337029 N/795053
Fig. 1 - Location Plan**

SITE DESCRIPTION AND PROPOSAL

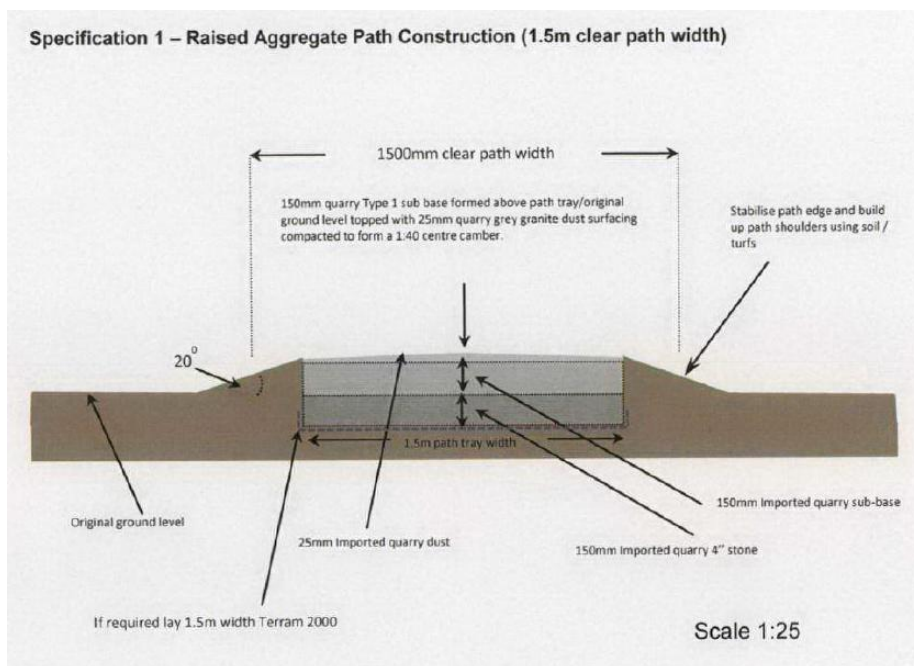
1. The application site is the width of a footpath extending south-west from the Ballater Memorial Cairn to the Bridge of Muick. The land generally slopes up from the side of the road through an area of woodland, which is included on the Ancient Woodland Inventory. The area is also a non-designated designed landscape.

Development Proposal

2. The proposal is to divert the route of the 7 Bridges path off the South Deeside road between Ballater Bridge and Bridge of Muick by linking up sections of existing track with upgraded and new path sections at Glenmuick Estate. The new path works start near to the Memorial Cairn, Ballater and end near to the Bridge of Muick, culminating in a new 980 m route.
3. There are three new sections of path proposed as follows:-
 - (i) From the Memorial Cairn in a south-easterly and then a south-westerly direction to the existing Glenmuick Estate driveway, the majority of which follows an existing track.
 - (ii) From the south end of the Glenmuick Estate driveway, parallel to but above the B976, to just north-east of the Brackley Burn Bridge, meandering on the bank above the road through woodland and then along the edge of a field.
 - (iii) From just south-west of the Brackley Burn Bridge through an area of recently planted woodland to end at the old quarry entrance adjacent to the Gordon Highlanders Memorial.
4. Between sections (i) and (ii), the path follows a length of the Glenmuick Estate driveway. Between sections (ii) and (iii), the route remains along a short stretch of the public road where the existing bridge crosses the Brackley Burn. The reason for this is a combination of this being a straight stretch of road with better visibility than the stretch to the north and the fact that it is not possible to introduce a separate footpath here due to there being private residential properties adjoining either side of the road, neither of which is available for a footpath route.



- The proposed path is 1.5m wide. The general construction is 150mm deep filled with 150mm 4" followed by 150mm type 1 sub-base, finished with 25mm top dust. The intention is to source the path materials from Craighash Quarry at Aboyne. The proposals include a half barrier and a wicket gate where the path meets the road at Brackley Burn Bridge and fencing in the section through the field. The works include limited tree pruning and the removal of 3no. small diameter birch.



6. Waymarking is proposed to ensure walkers stay to the path line to reinforce the privacy of the Policies at the House of Glenmuick. The signage will follow the Design Guidance for Directional Path Signs in the Cairngorms National Park.
7. The Phase I Habitat Survey accompanying the application notes that the majority of the site comprises mature mixed woodland of plantation origin. The survey advises that the three trees earmarked for felling are not considered suitable for roosting bats. The survey concludes that due to the localised and small-scale nature of the proposal, no significant impact upon local semi-natural/natural habitats or protected mammal species is anticipated.

Site History

8. Members of the local community have contacted the Cairngorms Outdoor Access Trust with their concerns regarding road safety on this section of the existing route along the B976. The bends between Ballater Bridge and Brackley Burn Bridge are the particular issue.

DEVELOPMENT PLAN CONTEXT

National policy

9. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of SPP and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
10. SPP also emphasises the key part that development management plays in the planning system, highlighting that it should "operate in support of the Government's central purpose of increasing sustainable economic growth." Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that "the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places." Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.

11. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”

Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

12. 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.

Structure Plan Policy

Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 North East Scotland together.

13. The Structure Plan provides a long-term vision which takes into account the different functions of, and relationship between, settlements in the area. The role of the plan is:
- To focus guidance on the area’s land use issues
 - To co-ordinate activity by partners where it affects the use of land, and
 - To set the scope, limits and objectives for detailed local plans which govern the use of land.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

14. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
15. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key

themes of the Park Plan to provide a detailed policy framework for planning decisions:

- Chapter 3 - Conserving and Enhancing the Park;
- Chapter 4 - Living and Working in the Park;
- Chapter 5 - Enjoying and Understanding the Park.

- 16 Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
- 17 Policy 3 - Other Important Natural and Earth Heritage Sites and Interests – Development that would adversely affect an ancient woodland site or semi-natural ancient woodland site will only be permitted where it has been demonstrated that the objectives of the identified site and overall integrity of the identified area would not be compromised or any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater interest to those that are lost.
- 18 Policy 6 – Landscape – There will be a presumption against any development that does not complement and enhance the landscape character of the Cairngorms National Park and in particular the setting of the proposed development.
- 19 Policy 34 – Outdoor Access – Development which improves opportunities for responsible outdoor access which adheres to the Cairngorms National Park Outdoor Access Strategy will be encouraged.

CONSULTATIONS

- 20 **Aberdeenshire Council Infrastructure Services Roads Development** notes that this proposed path still requires pedestrians to use a short section of the public road, the B976, to cross the Brackley Burn at Burnfoot where there is no roadside verge for walkers to use when vehicles are passing. The Service does not object to this application subject to a condition being applied should planning permission be granted in respect of warning signs. A number of advisory notes are also suggested.
- 21 **CNPA Landscape Adviser** advises that there will be no significant landscape and visual impact. The proposal will enhance people's experience of the landscape character and special landscape qualities of the National Park. Conditions are recommended in respect of the relationship with the edge of the drive and the design detail of any ramp.

- 22 **CNPA Natural Heritage Officer** advises that the integrity of the Ancient Woodland Site is unlikely to be negatively impacted by the construction of the footpath. She advises that the development would have a minor impact on ecology but has the potential to be addressed by appropriate mitigation measures. She comments that
- The proposed footpath lies close to existing mature trees, including mature hazel coppice. Where trees are to be retained, care must be taken to avoid damage to tree roots.
 - At “Section 3” of the footpath, the path is proposed to lie on top of a bank adjacent to the road where a number of trees have been planted in tubes. “Tree pruning” is proposed in this area, but it seems likely that some of these young trees will need to be removed to allow room for the footpath. Removal of a small number of these trees, however, will act to thin out the planting in this area, benefiting the remaining trees and allowing them to develop a good form.
 - Tree removal and pruning should take place out with the breeding bird season. The 3 small birch trees proposed to be removed are considered to be young trees – as such replacement planting on a 1:1 basis should be provided. Planted trees should be adequately protected in tubes to prevent damage from grazing. Because the footpath is proposed on private land, this will also need to be discussed with the landowner

REPRESENTATIONS

- 23 None.

APPRAISAL

- 24 In terms of the Local Plan policies, it is considered that the proposed footpath will not adversely affect the ancient woodland as the loss of the three small diameter birches will be mitigated by the tree planting specified in Condition 3 recommended below. The proposed development will not therefore conflict with Policy 3. There is no significant landscape and visual impact so the proposal does not conflict with Policy 6. Condition 1 is recommended to ensure that the details are satisfactory.
- 25 In relation to outdoor access, the proposed development will increase the length of off-road footpath on the Seven Bridges Path, thereby making it safer and more attractive for walkers. The proposed development therefore meets with the requirements of Policy 34.
- 26 Aberdeenshire Council as Road Authority does not object to the continued use of the road as part of the route at the Brackley Burn, provided that warning signs are provided. Condition 2 is recommended accordingly.

Conclusion

- 27 It is considered that the proposed development complies with the requirements of the Development Plan policies and that there are no material considerations which would suggest that planning permission should not be granted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

- 28 The proposed development will have a slight impact on this aim, which will be addressed by improved woodland management and the planting of replacement trees.

Promote Sustainable Use of Natural Resources

- 29 The proposed footpath will use locally sourced materials wherever possible.

Promote Understanding and Enjoyment of the Area

- 30 The provision of a largely off-road footpath route will contribute towards this aim and may be expected to increase the numbers of walkers using the longer route overall.

Promote Sustainable Economic and Social Development of the Area

- 31 Increasing the attractiveness of the route to walkers may serve to increase the number of visitors to the area.

RECOMMENDATION

That Members of the Committee support a recommendation to grant planning permission subject to the following conditions:-

- 1 Prior to the commencement of development, detailed proposals for the access point where the new path leaves the southern end of the Glenmuick House driveway shall be submitted for the consideration and written approval of the Cairngorms National Park Authority acting as planning authority. The proposals shall relate to and avoid damaging the stone edging detail along the side of the drive and the drainage channel shall be kept clear of obstructions.

Reason: To ensure that the detailed proposals respect and relate to the design and materials of the existing driveway, in the interests of visual amenity.

- 2 Prior to the completion of the path, warning signs with distance plates shall be provided to the east and west of the road section at Brackley Burn

Bridge at locations to be agreed with Aberdeenshire Council as Roads Authority. The warning signs shall be to Diagram 544.1 and the distance plates to Diagram 572 of 'The Traffic Signs Regulations and General Directions 2002'.

Reason: To warn road motorists of the presence of pedestrians, in the interests of road and pedestrian safety.

3 Three birch trees shall be planted in the vicinity of the path during the first growing season following the completion of the footpath. The trees shall be adequately protected in tubes to prevent damage from grazing.

Reason: To mitigate for the loss of similar trees as a result of the development, in order to maintain the extent of tree cover in the interests of habitat retention and visual amenity.

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. Where the footpath is close to existing trees, including mature hazel coppice, care must be taken to avoid damage to tree roots, allowing for sufficient Root Protection Area and protection to trees during construction, according to BS5837:2012.
3. At "Section 3" of the footpath, the path is proposed to lie on top of a bank adjacent to the road where a number of trees have been planted in tubes. "Tree pruning" is proposed in this area, but it seems likely that some of these young trees will need to be removed to allow room for the footpath. Removal of a small number of these trees, however, will act to thin out the planting in this area, benefiting the remaining trees and allowing them to develop a good form.
4. Tree removal and pruning should take place outwith the breeding bird season.
5. Adequate precautions should be taken to protect any Statutory Undertaker's plant which may be affected by the works/development.
6. An application for a Road *Excavation Permit* must be submitted to Aberdeenshire Council's Infrastructure Services, Area Roads Office at least 15 days prior to the commencement of any excavation works within the boundaries of the public road. Applicants should note that failure to obtain a Permit is an offence in terms of s56 of the Roads (Scotland) Act 1984. *Note: The Public Road may incorporate- Carriageway, Verge, Cycleway/ Footway and Visibility Envelopes.*

Further details and application forms may be obtained by telephoning the relevant Area Roads Office (see below) or on the Councils website: Marr 019755 64920.

Fiona Murphy

planning@cairngorms.co.uk

Date 28.03.14

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.