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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: ROBERT GRANT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

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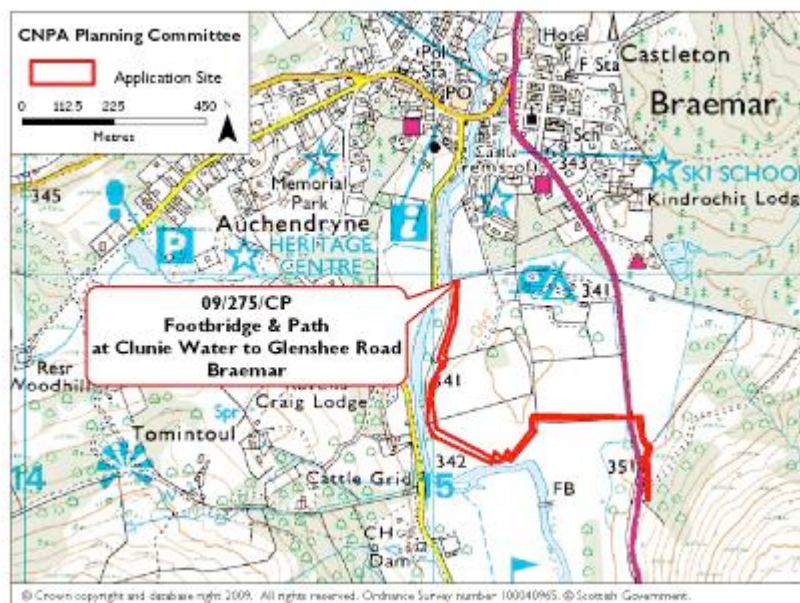
**DEVELOPMENT: INSTALLATION OF A 7.0M SPAN TIMBER FOOTBRIDGE AND CONSTRUCTION OF 1170M PATH AT CLUNIE WATER TO GLENSHEE ROAD, BRAEMAR**

**REFERENCE: 09/275/CP**

**APPLICANT: CAIRNGORMS OUTDOOR ACCESS TRUST**

**DATE CALLED-IN: 4 SEPTEMBER 2009**

**RECOMMENDATION: GRANT WITH CONDITIONS**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The site is located near the Clunie Water, immediately adjacent to the existing Highland Society Bridge, to the south of Braemar and comprising an elongated area of river bank and agricultural fields near to the Invercauld Caravan Park. The area is generally open and sweeping with significant views into the village itself, the surrounding hills and to the south taking in the Braemar Golf Course and the Glenshee Road. A number of existing informal path networks are present in the vicinity immediately adjacent to the existing footbridge, whilst more recognised dedicated routes including those based around the Queen's Drive are situated further to the east.
2. It is proposed to construct a 7.0m span timber footbridge over a small burn which feeds into the Clunie Water, linking the existing Highland Society Bridge with the fields to the south. The footbridge would be of a simple, single span structure, 7.0m long, with timber posts, balustrades and decking of a natural finish. No works are required to take place within the bed of the small burn.



**Fig. 2 – Example of 7m footbridge**

3. In addition, a 1170m long pathway would be constructed, of varying widths between 1.0m to 2.0m, following the perimeter edges of the agricultural fields until meeting the A93 Glenshee Road, thereafter crossing over to link in with the existing Queen's Drive path network, providing a wider circular route. The path would be a combination of green textile matting to account for possible flood events and aggregate gravel surfaces outwith flood prone areas. No trees would be required to be felled. The fence line of the agricultural fields, predominately comprising 2m high deer fencing, would be relocated - giving a segregated corridor separating the proposed path from the fields.

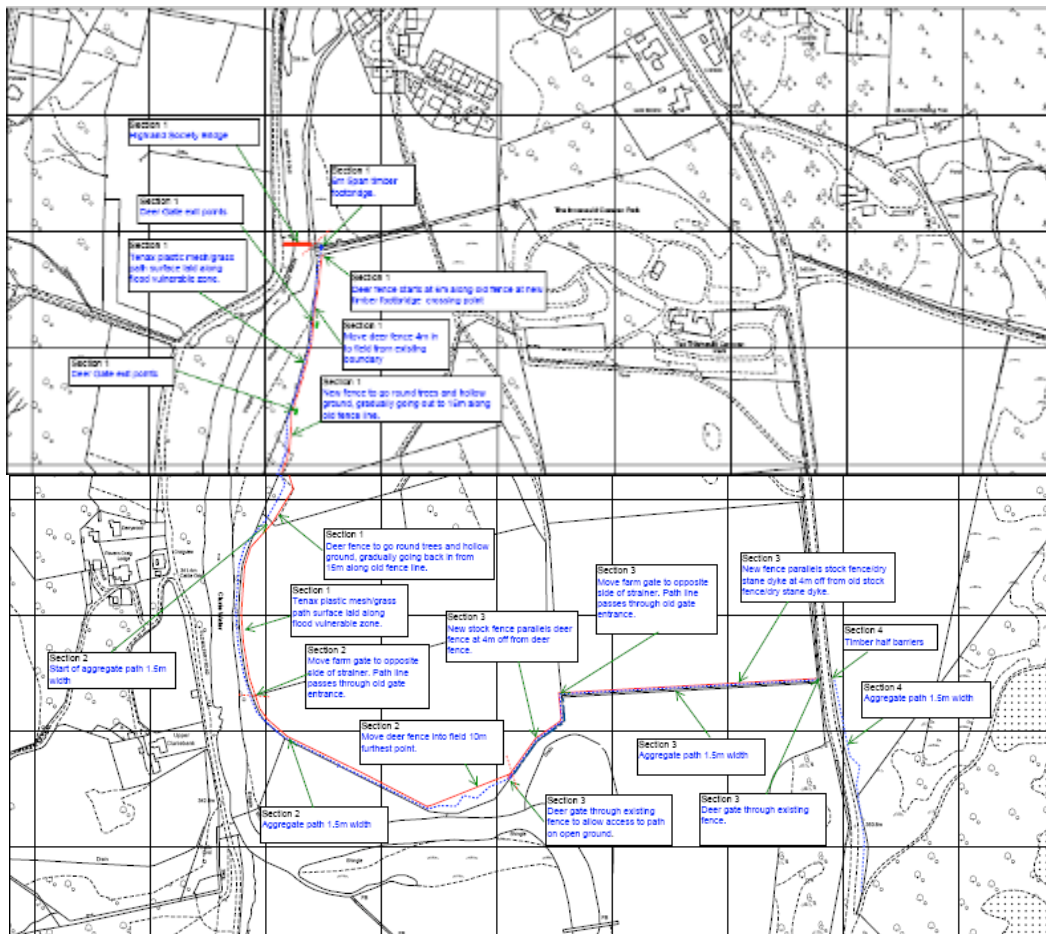


**Fig. 3 – Bridge Location (Foreground)**



**Fig. 4 – Path Location Glenshee Road**

4. A full supporting statement has been submitted to justify the proposal and outline the construction methods to be utilised. The aim of the project is to create a high quality path from the Clunie Water linking in with the Glenshee Road and Queen’s Drive, providing greater opportunity to connect a number of walks in the area and provide safe access along the A93. The statement highlights that the proposed path has been identified as a widely popular option within the local community during the Core Path Planning consultation exercise allowing the Highland Society Bridge to be more fully utilised in the local path network. The pathway is identified within the Core Paths Plan as path UDE9 ‘Society Bridge to Glenshee Road’.



**Fig. 5 – Path Layout**

## DEVELOPMENT PLAN CONTEXT

5. Section 25 of the Planning etc (Scotland) Act 2006 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Aberdeen and Aberdeenshire Structure Plan 2001 (NEST) and the Aberdeenshire Local Plan 2006.

### National Planning Policy and Guidance

6. **Scottish Planning Policy 11 – Sport, Physical Recreation and Open Space** states that people residing in rural areas have a need for sport and recreation facilities. In addition, **SPP 11** highlights the fact that the provision of recreation facilities in rural areas has a significant purpose “in contributing to the retention of population and in promoting tourism, hence having an impact on the rural economy.”
7. **National Planning Policy Guidance 14 - Natural Heritage** advises that conservation and development can often be fully compatible, and with careful planning the potential for conflict can be minimised. **NPPG 14** details the various national and international statutory designations and the objectives of designation.

### Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 (North East Scotland Together, NEST)

8. NEST includes a section on Sport and Recreation which notes that the plan seeks to increase accessibility to facilities for all. Paragraph 3.34 describes how Council’s are committed to promoting better access to open space and the countryside through a network of footpaths, bridleways and cycling routes.
9. **Policy 17** focuses on Countryside and Open Space Access advising that local plans should encourage and protect responsible access to open space and countryside. However it also advises that care must be taken to minimise detrimental impact on the environment.

### Aberdeenshire Local Plan (2006)

10. The proposed site lies within an Area of Landscape Significance (Marr area). Areas of Landscape Significance have been identified as being important not only for their physical landforms, but also for the flora and fauna which they support and the environmental assets which they represent.

11. **Policy Env\5B** states that development within or adjacent to an Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape, either in part or in whole. In instances where development is acceptable, the highest standards of design will be expected, in terms of location, scale, siting, aesthetics and landscaping.
12. **Policy Env\5B** specifically mentions that within the Cairngorms National Park greater weight will be given to the conservation and enhancement of the natural and cultural heritage of the area of the Park.
13. **Policy Emp\10** of the Local Plan focuses on the subject of Sport, Leisure and Recreation. The policy indicates that new or improved facilities will be approved in principle if amongst other things they respect the character and amenity of the surrounding area, are located close to where people live and reduce the need to travel. In justifying the policy the importance of sport and recreational facilities to the quality of life, health and well being of both local communities and visitors is highlighted, as well as their being a recognition of the contribution of such facilities to the local economy of the area.
14. **Policy Env/22** addresses access issues. The policy is intended to ensure that existing public access is protected and that future development does not restrict future opportunities for the extension of the public access network. The policy also states that encouragement will be given to new access routes which promote 'green transport' while not adversely affecting the land concerned.

#### **Cairngorms National Park Plan (2007)**

15. The **Cairngorms National Park Plan** sets out the strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. Under the broad heading of **Conserving and Enhancing the Park**, some of the strategic objectives include maintaining and enhancing the distinctive landscapes of the Park and also ensuring that development compliments the landscape character of the Park. Under the theme of **Living and Working in the Park**, the National Park is recognised as being a national asset and a place of recreation and enjoyment.
16. Under the final theme of **enjoying and understanding the park** there is recognition that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities. The vision for the Park involves developing a world class destination and this requires a sustainable approach to developing tourism, and an excellent quality provision of outdoor access and recreation opportunities.

## CONSULTATIONS

17. **Scottish Natural Heritage (SNH)** originally reserved its position on the grounds of insufficient information on the potential impact on the River Dee Special Area of Conservation (SAC) and specifically on otters. The applicant has responded by submitting a construction method statement and an otter survey. SNH is satisfied that measures outlined in both would ensure no pollution run-off or disturbance to otters.
18. **SEPA** initially objected to the application due to lack of information and to landraising within the functional floodplain. Details of adequate flood emergency procedures, an area of suitable compensatory storage and a construction method statement were provided to address these concerns. However, following discussions, the applicant has agreed not to landraise within the floodplain to address their concerns. Therefore SEPA no longer object, subject to the recommended conditions as outlined later within this paper.
19. **Aberdeenshire Council Flood Prevention and Coast Protection** has returned comment requesting clarification over maintenance and ownership responsibilities for the bridge and requested that the headroom for the deck be raised for adequate clearance during flood events. The applicant has subsequently increased the span of the bridge to 7.0m and raised the abutment heights of the bridge to incorporate an additional 300mm clearance between deck level and high flood level. The Flood Prevention Unit is satisfied with this.
20. **Aberdeenshire Council Transportation and Infrastructure (Roads)** has no objections and recommends a condition related to the A93 Glenshee Road crossing point, requiring warning signs to be erected to the north and south of the crossing location.
21. The CNPA **Visitor Services and Recreation Group** has no objections.

## REPRESENTATIONS

22. The application was advertised in the Piper and Herald on 4<sup>th</sup> September 2009 and no representations have been received.

## APPRAISAL

23. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
24. The main issues to consider in this application relate to the principle of the development, the nature of the proposal including its construction and the

associated implications, particularly on natural heritage designations adjacent to the proposed development area, and also consideration of its contributions towards the provision of access in the area.

25. In terms of the principle of the development, there is general support in planning policy contained within the Development Plan. The policies which have been detailed in paragraphs 6 to 13 of this report all generally encourage increased recreational opportunities in rural areas, where they can be reconciled with the need to conserve the natural heritage of an area.
26. The site is located immediately adjacent to the Clunie Water, within the catchment for the River Dee SAC and would involve the construction of a footbridge and pathway on the river banks. SNH are content that no run off of silt and debris would occur providing the measures outlined in the construction method statement are adhered to. SNH note that the area has been checked for signs of holts and resting places, the otter survey recommends appropriate mitigation. SNH consider that the proposal will not adversely impact on natural heritage.
27. The construction of the footbridge and pathway within the functional floodplain of the Clunie Water is considered appropriate, SEPA initially objected to the proposed landraising for the construction of the path, however this has been addressed by providing more extensive areas of textile matting in lieu of building up the path with raised aggregate surfaces alongside an area of compensatory storage to account for the bridge abutments. The applicant has also demonstrated that adequate flood evacuation procedures are to be put in place, SEPA are content with the emergency evacuation procedures proposed.
28. The 7.0m bridge is a low level timber footbridge, it is considered to appear typical of many bridges in the National Park area and of a satisfactory appearance, unobtrusive and inkeeping with the area. The proposed pathway would follow gentle terrain, utilising a sympathetic and sensitive route following the perimeter of the fields, using textile matting and limited areas of aggregate path it would create a high quality route, carefully integrated with the surrounding area.
29. It is considered that the location of the bridge, adjacent to the existing Highland Society Bridge, would not impact on the character and nature of the area or detract from its setting. The scale, location and design of the bridge and the pathway would not detract from the quality or character of the landscape, either in part or in whole and is considered to be acceptable within an Area of Landscape Significance (Marr area).

### **Draft Core Paths Plan**

30. The proposed path is identified as one which the local community aspired to see brought forward during consultation for the Core Path's Plan and would enhance linkages from the Highland Society Bridge on the west side of Clunie Water (UDE9 'Society Bridge to Glenshee Road) to encompass a wider circular route across farmland linking to the A93 Glenshee Road and beyond to the Queen's Drive and joining with a number of existing walks within the area.

### **Conclusion**

31. Overall, it is considered that the proposal is acceptable in terms of planning policy, design and impact on the SAC and its conservation interests including otters.
32. The proposed bridge and associated footpath would bring forward a core path as outlined in the Draft Cairngorms Core Paths Plan and one highlighted by the community to bring about enhanced recreational opportunities and greater interconnectivity between a number of existing walks in the area. The proposals would lead to the creation of a high-quality link path which the applicants state is likely to be popular with local people and visitors alike, linking the currently under utilised Highland Society Bridge to the Glenshee Road and the Queen's Drive.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

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

33. The development is not considered to have adverse implications for this aim, the proposals have a minimal landscape and natural heritage impact, in cultural heritage terms the proposal would allow for the wider use of the Highland Society Bridge and other local walks, thereby assisting in conserving and enhancing the natural and cultural heritage of the area.

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

34. It is not clear where all the material will be sourced from, however it is anticipated that the timber elements of the bridge will be sourced locally.

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

35. The bridge would form a crossing over a small burn creating a new route for walkers and bring forward a path identified within the Core Paths Plan, so would contribute to the enjoyment for walkers in the area.



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

36. The proposed footbridge is a project undertaken by the Cairngorms Outdoor Access Trust. The improvement of local routes would result in improved facilities for locals and visitors and may bring more walkers into the area which could have economical and tourism spin-offs for local shops and services.

## **RECOMMENDATION**

**That Member's of the Committee GRANT Full Planning Permission subject to the following conditions:-**

1. The development to which this permission relates must be begun within three years from the date of this permission.

**Reason:** To comply with the relevant legislation.

2. Prior to the development hereby approved coming into use, details of the on-going maintenance of the proposed footpath and bridge, shall be submitted to and agreed in writing with the Cairngorms National Park Authority (CNPA), acting as Planning Authority. Thereafter, the agreed maintenance programme shall be implemented in accordance with the agreed details.

**Reason:** In the interests of public safety and to ensure that the bridge and footpath are maintained to an acceptable standard.

3. The 7.0m bridge hereby approved shall be constructed in accordance with the construction details for a sawn timber bridge contained within the submitted method statement dated October 2009.

**Reason:** To ensure the bridge does not cause any environmental pollution of or sedimentation to the watercourses it crosses or destabilisation / scour to the watercourse embankment.

4. Prior to work commencing on site, details of the advance warning signs, including their overall dimensions and positions adjacent to the A93, shall be submitted to and agreed in writing with the Cairngorms National Park Authority (CNPA), acting as Planning Authority. Thereafter, the agreed warning signage shall be installed in the agreed positions, at the applicant's expense, prior to the footpath coming into use.

**Reason:** To the interests of pedestrian and vehicular safety on the public highway, namely the A93.

5. Prior to any work commencing on site, details of the proposed flood compensatory storage area, in terms of extent, depth and construction, shall be submitted to and agreed in writing with the Cairngorms National Park Authority (CNPA), acting as Planning Authority. Thereafter the agreed flood compensatory storage scheme shall be formed prior to any work commencing on the bridge and maintained in perpetuity.

**Reason:** To ensure adequate flood storage capacity is maintained within the functional flood plain and to reduce the risk of flooding.

6. Notwithstanding the details hereby approved, no landraising associated with the formation of the footpath or for any other reasons shall take place within the indicated flood plain.

**Reason:** To ensure that flood storage capacity is maintained.

7. During construction work, no activity should take place between 0800 and 1800 hours, or 2 hours after sunrise to one hour before sunset, whichever is the later, in order to prevent disturbance to otters.

**Reason:** In order to protect otters and in the interests of conserving and enhancing the natural heritage of the area.

**Advice Notes:**

- (a) In the event that evidence of breeding by otters is found near the site, a licence is likely to be required, under the terms of The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007. SNH would recommend that no night working or lighting of the work area at night should take place.
- (b) Care should be taken to avoid the spread of invasive, non-native plant species to the site either through planting, or because of construction activities, e.g. the importing to the site of soil contaminated with seeds of any of the above species. Should it be clear that any of the above species have arrived at the site because of the development, then effectively removing them as soon as possible and disposing of them responsibly should be made the responsibility of the applicant. Equally, if any of these species occurs on the site already, then the development should not allow the species to spread off-site.
- (c) The proposal may require registration with SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). The applicants are advised to liaise with SEPA for further information on this matter. The applicant should also refer to the Engineering in the Water Environment Good Practice Guide for best practice requirements.
- (d) The applicant is advised to contact the Road's Authority and appropriate Building Control Authority prior to work commencing on site to ensure appropriate notifications are in place.

**Contrary Decision Note:**

Should the Committee consider granting the proposal without the inclusion of conditions 5 & 6, then the proposal would require to be notified to Scottish Minister's, as SEPA's objection would be retained.

**Robert Grant**  
**25 November2009**  
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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.