

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Construction of A New Single Carriageway Road and Formation of Access and
Erection of Bridge at A939 Deeside - Tomintoul Road Gairnshiel Ballater AB35
5UQ

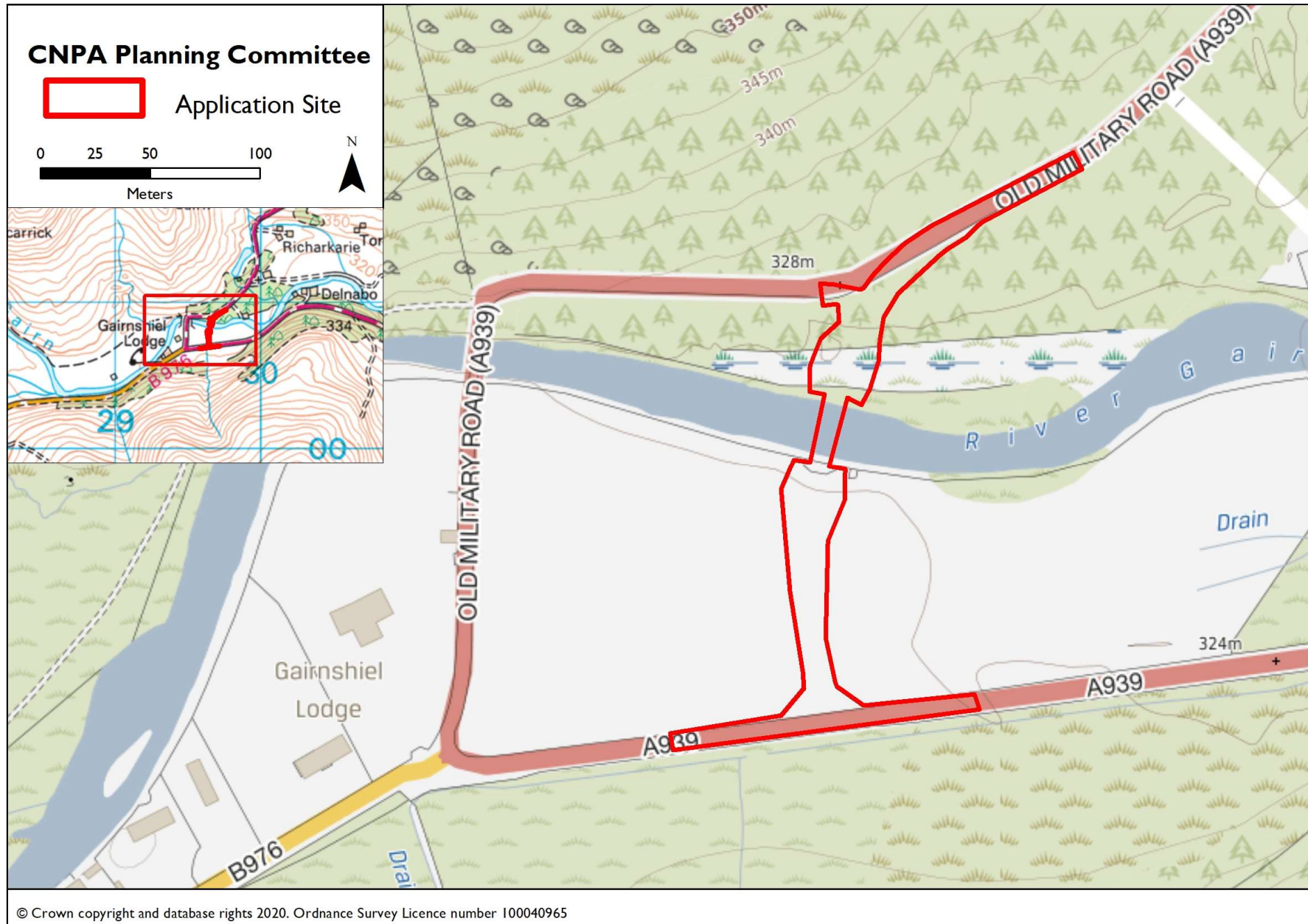
REFERENCE: 2020/0108/DET

APPLICANT: Mr Graeme Fisher

DATE CALLED-IN: 27 April 2020

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Stephanie Wade, Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is land adjacent to and east of Gairnshiel Bridge located approximately 7 miles north west of Ballater. The propose site comprises a large agricultural field to the south, the River Gairn with existing fenced buffer strips including native tree planting on both banks, wet grassland to the north rising into a conifer plantation woodland and then into heather moorland beyond.
2. The works affect the setting of the Category A listed Gairnshiel Bridge over the River Gairn. It is noted as an excellent example of a military road bridge dating from 1749, and is described as a *large, steeply humped, narrow, single arch military road bridge with sweeping parapet to south. Dramatic rural setting. Stone rubble. Thin flag coping to parapet.* The Category B listed Dalphuill “Teapot House” is also in the vicinity of the development, and generally the site and surrounding area is of cultural, historic and landscape significance. The site is also within the River Dee Special Area of Conservation designated for Atlantic salmon, freshwater pearl mussels and otter.

Proposal

3. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q96T6NSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
Plans			
Location Plan		07 January 2020	27 April 2020
Layout Plan	6/A939/B/6 72/202 Rev.A	11 August 2020	14 September 2020
General Arrangement Plan	6/A939/B/6 72/201 Rev.C	16 August 2020	17 November 2020
Deck Level Plan	592_221 Rev.02	14 February 2020	27 April 2020
Existing Hard Landscape Features	6/A939/B/6 72/204	07 September 2020	14 September 2020
Plan & Profiles Sheet 1 of 2	10037307- ARC-HML- ZZ-D-HE- 00001	16 November 2020	17 November 2020

	Rev.P07		
Plan & Profiles Sheet 2 of 2	10037307- ARC-HML- ZZ-D-HE- 00002 Rev.P05	16 November 2020	17 November 2020
Proposed Traffic Signs	10037307- ARC-HSN- ZZ-DR-HE- 00001 Rev.P03	06 September 2020	17 November 2020
Proposed Drainage Design General Arrangement Plan	10037307- ARC-HDG- ZZ-DR- DH-00001 Rev.P01	04 September 2020	14 September 2020
Detailed Cross Section	592_260 Rev.03	18 August 2020	14 September 2020
Elevation	592_230 Rev.03	18 August 2020	14 September 2020
Parapet Drip Detail	592_261 Rev.03	18 August 2020	14 September 2020
Compensatory Planting Plan	6/A939/B/6 72/B/205	10 November 2020	13 November 2020
Supporting Documentation			
Compensatory Planting		01 November 2020	13 November 2020
Response to Consultee Comments Part 2			17 November 2020
Response to Consultee Comments Part 1			14 September 2020
Arboricultural Assessment		01 August 2020	14 September 2020
Construction Method Statement		01 September 2020	14 September 2020
Flood Risk Assessment and Appendices	IBE 1653 Rev 2	01 June 2020	14 September 2020
Archaeological Evaluation- Written Scheme of Investigation	70419	15 July 2019	27 April 2020
Archaeological Walkover Survey	70419	26 June 2019	27 April 2020
Construction Environmental Management Document		26 March 2020	27 April 2020

Design Statement			27 April 2020
Squirrel Drey Survey and Species Protection Plan		01 August 2020	14 September 2020
Bat Survey Preliminary Roost Assessment		01 August 2020	14 September 2020
Drainage Impact Assessment		01 March 2020	27 April 2020
Environmental Impact Assessment Phase I		01 July 2018	27 April 2020
Supporting Statement		01 March 2020	27 April 2020

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

4. The application proposes the erection of a new bridge across the River Gairn and road alignment to create a bypass to the existing bridge allowing the existing bridge to be retained for the use of non-motorised users only. The new crossing is proposed approximately 220m upstream from Dalphuill Cottage and 165m downstream from the existing bridge. The new road is proposed at a length of 400m long single carriageway including associated infrastructure and a 32m single span composite weathering steel and concrete bridge with masonry clad parapets. The outer face of the parapets are proposed to be constructed with local Aberdeenshire granite, if available or matching granite. Wide footways are proposed on both sides of the carriageway on the desk for non-motorised users. The design is of a low profiled bridge to prevent it from appearing too prominent in the landscape.

5. The Design Statement provides justification for the proposal stating:
 - a) **Unsuitability of the bridge:** *The Bridge was built around 1749 for foot traffic, horses and carriages. In the intervening quarter-millennium the volume, speed and weight of traffic has increased enormously. The geometry of the bridge (its hump-back elevation), narrow width and tight approach creates difficulty for many vehicles resulting in regular bridge strikes causing significant damage leading to structural issues. Despite the implementation of an 18T weight restriction in 2018 these issues remain a constant. The weight limit at the bridge has impacted on tourism as many coaches are now unable to use this route.*

 - b) **Risk of Damage to Valuable Listed Structure:** *The Bridge is Grade A listed, the highest status of listing available due to its historical significance, remarkable humped appearance and picturesque setting. The bridge is constructed of stone-rubble, and while robust enough to last this long, it has suffered significant damage in recent years.*

 - c) **Significant down-time due to regular maintenance and repairs:** *When repairs are undertaken the bridge must be closed leading to lengthy diversions to maintain the route from Upper Donside to Deeside. The sensitive and skilled work cannot be rushed, resulting in extended closures.*

6. The application is supported by the following documentation:
- a) **Design Statement and Supporting Statement:** The Design Statement outlines the site constraints and the design concept of the proposed development as well as detailing the alignment study and alternative options which were ruled out. The Supporting Statement outlines the changes made to the proposal following the pre-application enquiry.
 - b) **Compensatory Planting:** This document details the compensatory planting to be carried out due to the woodland removal for the proposed development. The development will lead to the loss of 0.25 hectares of mixed conifer woodland which comprise: mainly larch, Scots pine and juniper north of the existing road. The proposed planting scheme is understood to improve and extend the River Gairn riparian woodland upstream and downstream of the new bridge crossing. Proposed planting is to take place on land owned by Invercauld Estate and four planting sites have been identified on the northern banks of the River Gairn. All areas are free draining alluvium soils. Several juniper bushes located north of the existing road are proposed to be transplanted to a suitable area and any juniper bush not within the boundary of the works will be protected from disturbance and monitored by the ECOW. 14 trees which were planted on the southern riverbank as part of the Pearls in peril project are proposed to be relocated further along the riverside and protected during the construction works. The area of compensatory planting is 0.25 hectares and will consist of Downey Birch 60%, Common Alder 30%, and Grey Willow 10% to create a Wet Woodland habitat. The trees will be planted in same species groups of 9-15 trees. Planting rates are proposed at 1,600 trees per hectare. Maintenance of the planting will lie with the Council until establishment and thereafter the landowner's forester will maintain the woodland in perpetuity.
 - c) **Arboricultural Assessment:** Surveyed a total of 63 trees comprising: 53 Larch European, 6 Scots Pine and 4 Silver Birch. Overall the trees were found to be in good health and condition and two trees were identified as having poor health/condition. A total of 51 trees are proposed to be removed as part of the development works and tree protection measures are proposed to be installed for the retained trees on site during the construction works. The Assessment references that compensatory planting will be undertaken.
 - d) **Construction Environmental Management Document and Construction Method Statement:** The CEMD provided a management framework for the planning and implementation of construction activities in accordance with all identified environmental mitigation, conditions, consents and licences. The CMS provides an outline to how the construction works will take place, with the fully detailed CMS being prepared once a contractor is appointed. The programme of works indicates a construction phase of approximately 36 weeks with works to commence in spring 2021. The Statement outlines the construction elements and the traffic management to the site with the majority of the work access to be taken from the south. Timed closures are also proposed for certain elements of the construction works with the diversion route via the B976 from Crathie to Gairnshiel lodge. Full road closures will be required for the road tie-ins at each end due to the narrow width of the existing road. An Ecological Clerk of Works

will oversee the works beside the river and ensure pollution prevention and species protection measures are in place.

- e) **Flood Risk Assessment:** The FRA states that the proposed bridge will be located within the functional floodplain and has a significantly longer span than the existing bridge. The proposed bridge deck level and the road level are raised well above the 0.5 AEP flood level, including allowance for climate change and freeboard, and so the bridge can remain operational during floods. The existing bridge already impacts on water levels in this section of river. There is some impact on water levels due to the new bridge but there is no increase in risk to any properties. The report concludes that the proposal complies with planning policy.
- f) **Archaeological Reports:** An archaeological evaluation written scheme of investigation and an archaeological walkover survey report have been submitted. An archaeological evaluation is required to characterise and record known upstanding sites before their removal as part of development works. A programme of trial trenching is also required in the field to the south of River Gairn in order to locate, expose, excavate and record any archaeological remains that would be subject to an adverse impact by development proposals. The walkover survey recorded six archaeological sites within the development area. The sites are predominantly located on the northern side of the river and include possible structures and walls, which may relate to the depopulated settlement of Dalphuill. Mitigation measures are recommended within the survey to limit the impact of the development upon the known archaeology.
- g) **Drainage Impact Assessment:** The document states how surface water will be managed by the proposal. In some places of the development, surface water will run from the road surface into the proposed swales, where water flowing down the slopes could cause instability and in other edges kerbs will collect water and discharge to the swale via paved outlets. Thereafter the swales will drain to four large attenuation soakaways set back from the river that allow the temporary storage of water before soaking into the ground and in turn the river. The discharge rate from the development site will not exceed the predevelopment discharge rate, and the drainage is designed to ensure that flow arising from a 10 year return period rainfall event is attenuated on site and released at a rate no greater than the pre-development peak hour flow rate. The drainage system will be maintained by the Council's Marr Roads Team.
- h) **Environmental and Ecological documents:** An Environmental Impact Assessment Phase I was undertaken to establish the habitat types, presence of protected species and provide an assessment of habitat suitability for bats and freshwater pearl mussel on the site. In addition, the baseline data on the physical characteristics of the watercourse was gathered. Further to this, a Squirrel Drey survey and species protection plan has been provided together with a bat survey preliminary roost assessment.

History

7. Pre-application advice was provided through the Aberdeenshire Council pre-application service and the CNPA provided input to this process (Aberdeenshire ref: ENQ/2019/0004).

Habitats Regulation Appraisal (HRA)

8. A Habitats Regulations Appraisal has been undertaken to consider the effect of the proposal upon the conservation objectives of the European site the River Dee SAC and is attached at **Appendix 2**. The proposal is within a short section of River Gairn, and will be permanent with ongoing permanent operational impacts. The construction impacts would be temporary.
9. The HRA confirms that the proposal could affect the qualifying interests of otter, freshwater pearl mussel and Atlantic salmon, although as there will be no works within the watercourse, direct impacts on in-stream habitats will be avoided during construction. The HRA concludes that a planning condition should be attached to any decision notice requesting a final construction method statement to detail measures undertaken to allow works to proceed without entering the river, and how impacts to in-river habitats through pollution will be prevented.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	X
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

10. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

11. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	X
Policy 9	Cultural Heritage Non-Statutory Guidance	X
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

Cairngorms National Park Local Development Plan 2020

12. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”) which will cover the period 2020 – 2025 is currently being progressed. The proposed plan has now undergone examination by the DPEA and was submitted to Scottish Ministers on 24th November 2020 with notification of the CNPA’s intention to adopt. As the examination of the Proposed Plan has concluded, the Proposed Plan and its contents currently are a material consideration.

CONSULTATIONS

Summary of the main issues raised by consultees

13. **NatureScot (formerly SNH)** notes the contents of the Habitats Regulations Appraisal undertaken by the CNPA and agree that if the conditions identified in the appraisal are attached to any planning consent, then there will be no adverse effect on the integrity of the River Dee SAC.
14. **Scottish Environment Protection Agency (SEPA)** withdraw their original standing objection which was due to lack of information on flood risk. They confirm that the additional information now gives a comprehensive assessment of the effects of the proposed bridge. The flood modelling carried out show the impact of the new bridge is relatively small compared with the effect that the existing old bridge is having on the floodplain. It is located a short distance upstream and already constricts the flow to a greater extent than the new bridge will. The detectable increase in flood risk from the new bridge is limited to the land in between the two bridges and has no effect on flood risk to any properties nearby. The approaches to the bridge are assessed to result in a 200m³ loss of floodplain capacity at the location. This will contribute to cumulative effects of floodplain loss in the wider catchment which reduces flood resilience of downstream communities. The impact of this has been justified against the critical nature of the infrastructure project for the surrounding

communities. The appropriateness of the balance between the needs of the project and the impact on people and the environment is a matter for the Planning Authority to decide on and on this basis SEPA remove their objection on flood risk grounds.

15. SEPA notes that the construction methods in terms of potential impacts on matters in relation to their interests, including water quality, will be assessed during the CAR application process, so they do not request that any condition to address these matters is attached to any grant of planning consent.
16. **Historic Environment Scotland (HES)** confirm that the proposal has the potential to affect the listed structure of the Gairnshiel Bridge which is Category A listed. They have reviewed the additional information and are content that there are no new issues raised in this information that affect the heritage assets. HES note that this application follows on from a pre-application enquiry which they were involved with and the proposed scheme appears to be based on the preferred scheme at pre-application stage. HES therefore wish to reiterate their comments which are:
 - a) They are familiar with the background to the project, the unsuitability of the existing 18th century category A listed bridge for modern vehicular use, due to its steep hump, narrow width and sharp 90 degree bend on the north side, and the consequent recurring damage to parts of the structure. HES therefore welcome this opportunity to address the problem, with the construction of a new vehicular bridge and preservation of the existing bridge for pedestrian use and its enhancement as a nationally important heritage asset/ visitor attraction.
 - b) HES are content with the proposed new bridge and road configuration to the east of the existing bridge. They consider that they would be an appropriate high quality, low-key design, using materials (notably locally sourced granite and weathering steel) to complement the existing bridge and surrounding landscape. They are therefore satisfied that this would sit comfortably in relation to the setting of the A listed bridge, and would not unduly diminish its special historic interest and primacy in the landscape.
 - c) In the event of permission being granted, HES agree with the need for appropriate suspensive planning conditions requiring the submission and approval of materials samples.
17. **Aberdeenshire Council Roads Department** initially objected to the proposal noting that insufficient information has been submitted to comment on this application.
18. Following submission of the revised and additional information the Roads Team does not object to the application noting that any areas of non-compliance with the roads standards have been resolved and a departure from the standards has been agreed by the Aberdeenshire Council Road Standards Group. The Team also note the following advisories:
 - a) The applicant should give further consideration to provisions of some form of roadside pedestrian linkage within the road verge to provide an off-road route from parking to the gated pedestrian access located on the northern side of the existing section of A393 loop which will be replaced by the new bridge and road alignment. The Team note that this loop is intended to be closed to all motorised vehicular traffic except for access.

- b) A separate formal Traffic Regulation Order will be required to close the gated section of repurposed A939 to vehicular traffic as indicated.
 - c) It is noted that the refuse collection point for Gairnshiel Lodge is located beyond the proposed gated section of road and as such it is strongly advised that arrangements be made for a relocated waste collection point outwith the gated section alongside B976.
 - d) Applicant is advised to consider relocating the “variable part time ‘snow’” signs along with other junction/ brown tourism signs from current B976/ A939 junction to the new junction.
19. **Aberdeenshire Council Built Heritage Officer** notes that the proposal is within the setting of the category A listed Gairnshiel Bridge and the category B listed Glen Gairn Dalphuil. The Officer considers that the chosen positioning of the bridge (option C) to be the least invasive in regards to the historic environment and its landscape setting. Regarding the setting of the listed structures, the Officer notes that the design, materials and landscaping of the proposal appear to have been well considered to allow the bridge to blend into the landscape although recommends that the finishes are tightly controlled through samples to ensure this element is not diminished. The Officer originally raised concern that any requirements in terms of signage could devalue the design quality of the bridge and therefore sought this information at application stage. The Officer also queries the safety of people wanting to visit the listed bridge and reminds the Council of their obligation to keep the listed structure in a good standard of repair and maintenance as required by the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.
20. Following the submission of revised information, including that for signage and traffic management, the Officer notes that the redundant signage is being removed, existing signage relocated and a small number of new signs installed. The Officer also notes that no new lighting is proposed and confirms that they have no further comments on the scheme.
21. **Aberdeenshire Council Flood and Coast Protection** originally had a holding objection to the proposal until the additional information was submitted by way of a Flood Risk Assessment. Following the submission of this information, the Team confirm their satisfaction that the additional detail addresses the issues raised by SEPA and echoed by the Team and they remove their objection. They also request confirmation that an agreement has been established with the landowner accepting the enlargement of flood extents.
22. **Aberdeenshire Council Archaeology Service** has no objections to the scheme but requests that a post determination condition is attached to any subsequent decision notice for the submission and agreement of a Programme of Archaeological Works to safeguard and record the archaeological potential of the area.
23. **Scottish Forestry Officer** states that the development affects an area shown as conifer woodland on the National Forest Inventory. The plan shows approximately 21 trees being removed to facilitate the development and there is a proposal to carry out an unspecified amount of Compensatory Planting of native broadleaved trees along the river bank.

24. Having reviewed the submitted Arboricultural Assessment that includes the proposed compensatory planting proposal, the Officer notes that whilst the document specifies the number of trees to be felled, it does not provide a total area of woodland lost to this development. The compensatory planting proposal states that an area no less than that felled will be replanted, and requests that the area to be felled and planted should be provided to ensure that it can be secured fully by way of planning condition. The Officer also requests confirmation that it owns the land or has agreement with the landowner where the compensatory planting will take place, to ensure the woodland is established, protected and maintained in perpetuity.
25. The Officer also requests information on how the compensatory planting will be carried out and notes that an EIA screening opinion for afforestation will be required due to the proposed planting being adjacent to an SAC. In addition the Officer requires a post determination condition for the agreement and implementation of a monitoring and maintenance programme for the planting.
26. **CNPA Ecology Officer** has the following comments following the submission of revised material:
 - a) Red Squirrel survey: The Officer welcomes the submission of the red squirrel survey and species protection plan and notes that the proposal will have a short term impact on 1-2 individual squirrels due to the felling of trees and construction disturbance, but this is not likely to have a significant impact on the local population as there is sufficient alternative habitat within the area. The Officer also suggests further mitigation by way of a squirrel rope bridge.
 - b) Bat roost potential survey: The Officer welcomes the submission of a preliminary bat roost assessment and notes that none of the 36 trees that will be directly impacted by the works or trees within a 5m buffer of these trees contained features capable of supporting bat roosts. As such there is not anticipated to be an effect on bat roosts as a result of the proposal.
 - c) Construction Method Statement: a preliminary report has been submitted although the Officer notes that a final report will still be required by suspensive condition to ensure that the statement is site specific and covers all the aspects stated within the Habitats Regulations Appraisal to include mitigation for each of the qualifying features.
 - d) The Officer also welcomes the submission of the drainage arrangement plan which demonstrates the drainage run-off capture during operation that prevents pollution entering the watercourse.
27. In addition to the above, the Officer requires further suspensive conditions to include: pre-construction surveys for protected species as detailed in the Extended Phase I Habitat Survey report.

28. Following confirmation from the applicant that squirrel bridges are not proposed the Officer confirms that this feature would be a welcome addition but as the population of squirrels within the area is not likely to be particularly high, they Officer confirms this is not an absolute essential in this case. Regarding the proposed compensatory planting, the Officer is content with the additional details submitted.
29. **CNPA Landscape Officer** considers that proposal is likely to have significant effects in the local landscape. Of all the route and siting options, the Officer agrees that the chosen Alignment C would be most suitable and the proposed design of the new bridge would generally appear simple and relate to the open, flat strath floor and local features and materials. Nonetheless, the proposal would contrast to some of the local, rural landscape characteristics and distinctive Special Landscape Qualities and it is recommended that further consideration of mitigation measures and the provision of additional details, including the design of the bridge parapet walls, verges and vehicle restraint safety fences (in reference to how these are experienced by travellers), the design and adjacent vegetation of the abutment walls, and the repair and construction of new stone walls. Furthermore, additional survey/ information is required on proposed tree works, new planting, road furniture and construction methods.
30. Following the submission of revised and additional information the Officer has the following additional comments:
- a) **Visitor parking:** The Officer notes that it is regrettable that the provision of parking and access paths to the existing bridge is not included within the proposal, however the inclusion for “new hardstanding verge” to provide parking for four cars east of the estate track gate will provide some facility.
 - b) **Height of walls and user experience:** The bridge parapet walls have been reduced to 1m above verge level which should enable travellers’ views of the surrounding landscape, including the existing bridge to enhance the experience of users. The interior face wall may be subject to a shallow relief pattern and it is suggested that the exterior wall face will utilise existing stone on site. The officer recommends that as these are to be confirmed at detailed design stage, an acceptable solution would be the use of a suspensive condition to obtain this information.
 - c) **Summary:** The Officer is disappointed that the applicant has not taken forward all the mitigation measures recommended by the Officer to protect and enhance the SLQs within the National Park, including the repair and construction of stone walls;
 - d) The Officer notes that the applicant has modified their reason for not including new/repared stone walls within the proposal with a statement “...we consider the inclusion of roadside stone walling, which would require quantities of new stone to be acquired to be disproportionate”. The Officer states that the proposed development will result in some significant adverse landscape and visual effects in a sensitive location within a National Park and the Officer suggests that roadside stone walling should be incorporated within the scheme to protect and enhance this landscape characteristic.

- e) The scheme has been revised to include a new low stone wall (500mm high) using reclaimed stone along the edge of the wide verge to the north east of the new bridge and the Officer considers that this would have minor beneficial effects but would not compensate for the existing walls removed as part of the project, or satisfy NPPP in terms of enhancement of the SLQs.
 - f) The Officer recommends that any stone from dismantled walls may be better used for repair and reconstruction of stone walls within the scheme.
 - g) **Embankments:** The Officer considers that the embankments either side of the river crossing will appear to sharply contrast to the slope of the adjacent open fields and it would be preferable if these embankments were graded more gently. The applicant justifies the proposed embankments by stating that any changes would alter the flood risk of the proposal and this mitigation would require extra land. The Landscape Officer notes that the latter is true for the construction phase but notes that tying in the slopes means they can be included within the fenced agricultural land to be used by the farmer rather than as land to be maintained by the Council.
 - h) **Juniper:** The Officer considers that the proposed transplanting of juniper within the development area to a suitable location, to be monitored by the ECoW is reassuring but wishes to highlight that the process can be challenging and this the method for this should be agreed in advance. The Officer notes the Standing Advice for juniper translocation.
 - i) **Compensatory planting:** The Officer notes that details have been provided for the proposed compensatory planting and it is noted that the establishment of the trees will be the responsibility of an Arboriculturist from the Council's Landscape Services and once the trees are established the tree tubes will be removed.
31. The Officer recommends the inclusion of suspensive conditions on any decision notice including: details of the bridge parapets inside and outer faces, verge surfacing, and the submission of a final Construction Method Statement.
32. **CNPA Outdoor Access Officer** welcomes the revisions to the scheme which includes a gap for NMU's at both gates on the old road. The Officer wishes to highlight that the route is part of the Snow Roads Scenic Route and at present it would appear that the signage plan doesn't include the existing brown Snow Roads signs, which should be addressed.
33. **The Dee District Salmon Fishery Board** has provided two sets of comments to the scheme. The first, provided general comments noting the ecological importance of the Gairn to the River Dee SAC and in particular its importance as a spring salmon producing stream. Any development of this scale will inevitably have impacts on the river during construction works. The Fishery Board reiterate the importance of offsetting construction impacts to the Gairn.

34. Following the submission of the revised documents, the Fishery Board confirm they have no further comments on the scheme and are pleased that their previous comments have been taken into account by the developer.
35. **Ballater and Crathie Community Council** were consulted on the application but have not provided any comments.
36. **Braemar Community Council** support the application with reference made to the Local Development Plan policy 2: Supporting Economic Growth. They also note that the residents of Braemar and visitors to the village are regular users of the bridge. A copy of their full response can be found at **Appendix 3**.

REPRESENTATIONS

37. The application has been advertised and no letters of public representation have been received.

APPRAISAL

38. The main planning considerations in relation to this application comprise: the principle of development; the impact on the natural environment in respect of designated areas, protected species and landscape impacts; the impact on the historic environment; together with the impact on the road network, flooding, and the design, scale and materials of the proposal.

Principle

39. The proposal is sought to erect a new bridge crossing over the River Gairn with associated approach roads, closing off the original bridge from public vehicle use. The need for a new bridge has been demonstrated throughout and the principle is generally accepted. It has been justified that the existing bridge is in poor condition, with a short lifespan for accommodating road traffic. The proposed new route is sought to accommodate safer traffic movement whilst conserving the Category A listed existing bridge by removing it from further potential vehicle damage. This is a key route within the National Park running between Tomintoul and Braemar, being promoted as the Snow Roads Scenic Route and the principle of maintaining this route is welcomed.
40. Accordingly, the proposals to accommodate traffic safely and promote appreciation of both the landscape and the listed bridge are in principle fully supported by Cairngorms Local Development Plan **Policy 2: Supporting Economic Growth** and **Policy 9: Cultural Heritage**. This general policy support is of course subject to, and underpinned by, the detail of the design, layout, servicing and landscaping of the proposals and any environmental impacts as detailed below.

Environmental Issues- Protected Species and European Sites

41. **Policy 4:** Natural Heritage sets out the need for new development to fully consider and mitigate impacts on natural heritage. In addition as there is a designated European site here which may be impacted by the development, a Habitat Regulations Appraisal will require to be carried out by the Planning Authority in relation to potential impacts upon the River Dee SAC.
42. A habitats regulations appraisal (**Appendix 2**) has been undertaken which concludes there will be no likely significant effects on the River Dee SAC arising from the proposal, if the appropriate mitigation of a Construction Method Statement is undertaken and complied with. NatureScot agree with the conclusions of the HRA.
43. In relation to the European protected species, an extended Phase I habitat survey and ecological walkover survey have been provided for the development site, together with further survey work relating to red squirrel and bats. A species protection plan for red squirrel has also been provided. The CNPA Ecology Officer agrees with the conclusions of these reports subject to the undertaking of the suggested mitigation measures including pre-construction surveys as detailed within the Extended Phase I Habitat Survey Report, and a final Construction Method Statement. It is noted that none of the 36 trees to be impacted by the proposed works contain features capable of supporting bat roosts and as such, there is not anticipated to be an effect on bat roosts as a result of the proposal. Regarding red squirrels, the Officer notes that the proposal will have a short term impact on 1-2 individual squirrels due to the felling of trees and construction disturbance, but this is not likely to have a significant impact on the local population as there is sufficient alternative habitat within the area. The Officer does suggest a further mitigation measure by way of a squirrel rope bridge. The applicant has confirmed that they do not propose to introduce a squirrel rope bridge due to the low volume of traffic along the route and the other mitigation measures proposed in the Species Protection Plan. The CNPA Ecology Officer has also confirmed that this is not an absolute essential taking into the account the low population numbers of squirrels within the area.
44. The proposal has been designed to avoid in-river works, which is welcomed. The Dee District Salmon Fishery Board note the ecological importance of the Gairn to the River Dee SAC and its importance as a salmon producing stream. They welcome the applicant's incorporation of their comments regarding extending the riparian buffer zone to enhance the river habitat.
45. In these overall circumstances and subject to appropriate planning conditions, the application is considered to comply with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Environmental Impacts- Trees and Compensatory Planting

46. The development affects an area shown as conifer woodland on the National Forestry Inventory and a total of 51 trees are proposed to be removed and tree protection measures are proposed to be installed for the retained trees on site during the construction works. The mitigation proposed for the loss of this woodland is through site layout design, improvement of other habitat provision and the provision of new woodland habitat through compensatory planting. The development will lead to the loss of 0.25 hectares of mixed conifer woodland and the area of compensatory planting will match consisting of Downy Birch 60%, Common Alder 30%, and Grey Willow 10%. The proposed compensatory planting is understood to improve and extend the River Gairn riparian woodland upstream and downstream of the new bridge crossing. Proposed planting is to take place on land owned by Invercauld Estate and four planting sites have been identified on the northern banks of the River Gairn. The CNPA Landscape Officer acknowledges the details of the proposed riparian planting and the establishment of this by the Arboriculturist from the Council's Landscape Services. The CNPA Ecology Officer is content with the compensatory planting scheme as proposed.
47. Several juniper bushes located north of the existing road are proposed to be transplanted to a suitable area and any juniper bush not within the boundary of the works will be protected from disturbance and monitored by the Ecological Clerk of Works. The CNPA Landscape Officer welcomes the retention of the juniper but requests a condition requiring the agreement of the method of translocation.
48. The Scottish Forestry Officer requests a post determination condition for the agreement and implementation of a monitoring and maintenance programme for the planting. The Officer requested confirmation of the agreement of the landowner to where the compensatory planting is proposed. This has been provided by the applicant and it is confirmed that the woodland planting will be established and progressed by the Council and maintained in perpetuity by the landowner.
49. On balance the proposed loss of woodland together with its mitigation of planting commensurate to that lost to enhance the riparian woodland within the area is considered to be acceptable in this case.

Landscape and Design Issues

50. **Policy 9: Cultural Heritage** supports sympathetic renovation and development of listed buildings and requires that new development should be appropriate to the character, appearance and setting of the cultural asset. With regard to the proposed new bridge its design and siting require to take full consideration of the impacts on the existing listed bridge and upon other listed assets in the area. This is considered further below.
51. **Policy 5: Landscape** requires that new development should conserve and enhance the landscape character and special qualities of the National Park whilst **Policy 3: Sustainable Design** requires that new development be sympathetic to the character and pattern of the surrounding area.

52. The site lies within 'Upper Deeside: Glen Gairn' landscape character area and is visible from and borders 'The north eastern hills' landscape character area to the north, west and east. The character of the area is strongly influenced by the linear feature of the River Gairn and its strath. The distinct character of the strath is emphasised by the contrast between its open, flat floor with agricultural fields and the surrounding steep hill slopes and woodland. Within the strath, there are strong qualities of enclosure which amplify the focal prominence of some landscape features, including the distinct historic structures of Gairnshiel Bridge and Gairnshiel Lodge, as well as some mature trees, stone walls and the 'Teapot House' at Dalphuill.
53. In this context it is considered that the location of the bridge crossing is the most appropriate point in terms of meeting these policy objectives, being located sufficiently far from the important cultural assets to allow for their settings not to be adversely compromised and the CNPA Landscape Officer agrees with this positioning. It is also considered that the proposed design of the bridge is appropriate as its simplicity will help ensure that it does not "compete" with the listed bridge, whilst at the same time reflect some of the qualities of the original bridge. Details of the design such as the sweeping parapets, stone cladding, weathered steel underside and embedding in river embankments help to create a clean silhouette which reduces visual impact.
54. The CNPA Landscape Officer has suggested further mitigation measures, to that already incorporated, to the design of the proposal to improve its appearance with the strath landscape, such as the repair and construction of stone walls and changing the proposed safety barrier material. Although it would be desirable to repair stone walling within the immediate area, the applicant feels this is a disproportionate request in comparison to the development and the mitigation measures already proposed. The applicant also confirms that the existing dilapidated walls are weathered and covered in moss and fungi and are an existing landscape feature to which it would be detrimental to disturb. Furthermore, the walls are private property and not maintained by the Council.
55. The applicant has confirmed that the design of the proposal including, its safety barriers, must comply with Design Manual for Road and Bridges (DMRB) and therefore the use of timber safety fencing is required to accord with these Standards. The applicant also confirms that due to the required safety standards, it is not possible to combine or tie walls into the ends of vehicle restraint safety fencing. It is acknowledged that due to the nature of the proposal, a balance must therefore be made between the design of the proposal and its requirement to meet safety standards and the balance as presented within the application is considered to be acceptable in accordance with Policy 5: Landscape and Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

Impact on the Historic Environment

56. The Aberdeenshire Council Built Heritage Officer considers that the chosen positioning of the bridge (option C) to be the least invasive in regards to the historic environment and its landscape setting. Regarding the setting of the listed structures, the Officer notes that the design, materials and landscaping of the proposal appear to have been well considered to allow the bridge to blend into the landscape although recommends that the finishes are tightly controlled through samples to ensure this element is not diminished. Regarding signage, the proposed removal of redundant signage together with the small additions of new signs to be installed is considered by the Officer to be acceptable and the Officer welcomes that no lighting has been incorporated within the design.
57. Historic Environment Scotland (HES) has no objections to the proposal and welcome this opportunity to address the problem of recurrent damage to the listed structure by the construction of a new vehicular and preservation of the existing bridge for pedestrian use and its enhancement as a nationally important heritage asset/ visitor attraction. HES are therefore satisfied that the proposed bridge would sit comfortably in relation to the setting of the A listed bridge, and would not unduly diminish its special historic interest and primacy in the landscape subject to a suspensive planning condition requiring the submission and approval of materials samples.
58. Aberdeenshire Council Archaeology Service has no objection to the scheme subject to a condition for the submission and agreement of a programme of archaeological works to safeguard and record the archaeological potential of the area.
59. Based on this, the proposal is considered to accord with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

Impact on Flood Risk

60. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that all developments do not increase flood risk nor adversely impact on the water quality of the area. As the site lies within a flood risk area as identified on SEPA's map, it is therefore essential to consider the potential risks from flooding to both the site and other receptors in the area as required by policy.
61. The proposal looks to add an additional structure within the immediate area of the River Gairn. A Flood Risk Assessment has been submitted in support of the application and has been reviewed by the Scottish Environment Protection Agency (SEPA) and Aberdeenshire Council Flood and Coast Protection Team and both consultees have no objection to the proposal. SEPA confirm that the flood modelling carried out show the impact of the new bridge is relatively small compared with the effect that the existing old bridge is having on the floodplain. It is located a short distance upstream and already constricts the flow to a greater extent than the new bridge will. The detectable increase in flood risk from the new bridge is limited to the land in between the two bridges and has no effect on flood risk to any properties nearby. The approaches to the bridge are assessed to result in a 200m³ loss of floodplain capacity at the location. This will contribute to cumulative effects of floodplain loss in the wider catchment

which reduces flood resilience of downstream communities. The impact of this has been justified against the critical nature of the infrastructure project for the surrounding communities.

62. Under SEPA's Land Use Vulnerability Classification, the proposed development is classed as "Essential Infrastructure- *essential transport infrastructure and essential utility infrastructure which may have to be located in a flood risk area for operational reasons*". In accordance with SEPA's flood risk matrix, the proposal would be within land considered as Medium to High flood risk, whereby development is permitted if it is located within "*undeveloped or sparsely populated areas where it is required for operational reasons and an alternative lower risk location is not available*". It has been demonstrated that the new bridge meets the criteria of the land use vulnerability classification and the flood risk matrix criteria and the balance between the needs of the project and the impact on people and the environment is considered to be acceptable in this case. In accordance with SEPA's flood risk matrix, the proposal would be within land considered at Medium to High Flood Risk.
63. In terms of water quality, SEPA confirm that the potential impacts on water quality during construction will be assessed via their CAR process. The CNPA Ecology Officer also welcomes the proposed drainage details which demonstrate the drainage run-off capture during operation that prevents pollution entering the watercourse.
64. The Aberdeenshire Council Flood and Coast Protection Team requested confirmation that an agreement has been established with the landowner accepting the enlargement of flood extents and the applicant has confirmed this.
65. On this basis, the proposal is considered to comply with the requirements of Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Impact on the Road Safety and Outdoor Access

66. Regarding road safety, the applicant has advised through the supporting documentation that it has been difficult to design a compliant road alignment, particularly in terms of curvature radii, with some departures from The Roads Standards required in respect of curve radii in the limited space available between the existing roads to the north and south. The Aberdeenshire Council Roads Department confirm that any areas of the scheme that did not comply with the roads standards have been resolved and a departure from The Standards has been agreed by the Aberdeenshire Council Road Standards Group. The Teams advisories are recommended to be included as informatives on any subsequent decision.
67. Regarding outdoor access, the CNPA Outdoor Access Officer welcomes the gap for NMU's at both gates on the old road and it is confirmed that the signage plan has now been amended to include the Snow Roads signs as highlighted by the Officer.

Other Issues Raised in Consultations and Representations

68. Braemar Community Council support the application noting that the residents of the village and tourists are regular users of the bridge and that the proposal complies with Local Development Plan Policy 2: Supporting Economic Growth.

CONCLUSION

69. The proposed development involves the erection of a new vehicular bridge and road bypass over the River Gairn to replace and aid the preservation of the Category A listed existing bridge which is not suitable for modern vehicular use and has recurring damage to its structure by its current vehicular use. The proposed new bridge and configuration to the east of the existing bridge is considered to be an appropriate high quality, low-key design, using materials to complement the existing bridge and surrounding landscape.
70. The proposal would have no effect on flood risk to any properties nearby and has a relatively small impact on the floodplain, between the two bridges, in comparison to the effect from the existing bridge on the floodplain. The works are considered to comply with SEPA policy for development within high flood risk areas as they are critical infrastructure for the area.
71. Sufficient information has now been submitted by the applicant to demonstrate that the development can proceed without harm to the environment, cultural assets or landscape subject to the final details/refinements being agreed which will require a number of suspensive planning conditions to be attached to any subsequent decision notice. There are no adverse environmental impacts subject to the appropriate mitigation measures being implemented.
72. In these overall circumstances the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the collective aims of the National Park. There are no other material considerations which would warrant the refusal of planning permission. Approval is therefore recommended subject to appropriate planning conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Construction of A New Single Carriageway Road and Formation of Access and Erection of Bridge at A939 Deeside - Tomintoul Road Gairnshiel Ballater AB35 5UQ subject to the following conditions:

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

1. **No development shall commence, until pre-construction surveys according with Section 6.0 of 'Environmental Impact Assessment Phase 1', prepared by Landcare NorthEast and dated July 2018 have been undertaken and the results, together with any associated species protection plans have been submitted to and approved in writing by the Cairngorms National Park Authority acting at Planning Authority- details of any mitigation required to be identified and agreed and thereafter implemented in accordance with the approved details before construction work commence.**

Reason: The site lies within designated areas including a European site. In order to ensure there is no adverse impact upon the environment, European Sites and European Protected Species, pre-construction survey work and subsequent mitigation measures are required in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence, until a revised Site Specific Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The revised document shall include the following:**
 - a) **Detail on pre-construction environment checks and any mitigation measures**
 - b) **Details of measures to prevent otter entrapment and injury**
 - c) **Details of fuel run-off prevention measures to avoid the poisoning of fish, mussels and otter**
 - d) **Details of sediment run-off prevention measures**
 - e) **Pollution prevention measures and confirmation that machinery is excluded from the watercourse**
 - f) **Vegetation and soil management including, materials handling, storage, ongoing care and re-use**
 - g) **Plant and machinery to be used in the construction works;**
 - h) **Construction Plan including timings;**
 - i) **Details of material and tool storage areas on site**
 - j) **Details of the Ecological Clerk of Works together with their scope of work, monitoring regime and frequency and method of reporting**

The works shall thereafter be undertaken in strict accordance with the approved documents and the ECoW monitoring reports shall thereafter be submitted to the Cairngorms National Park Authority for review in accordance with the approved timetable.

Reason: To ensure that work on site proceeds without damage to the environment and the qualifying interests of the designated European Site of the River Dee SAC in accordance with Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

- 3. No development shall commence on site until a final drainage plan which accords with SEPA's good practice guidelines has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The plan shall include details of the drainage during operation of the bridge and road and run-off capture that prevents pollution entering the watercourse. The development shall thereafter proceed in accordance with the approved details.**

Reason: To ensure that work on site proceeds without damage to the environment and the qualifying interests of the designated European Site of the River Dee SAC in accordance with Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

- 4. No development shall commence on site until a timetable for the delivery of the compensatory planting together with details of a monitoring programme have been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The monitoring programme shall be overseen by an independent, qualified and technically competent professional and the timetable for monitoring should be at regular intervals (year 1, 5 and 10) to ensure the trees are planted correctly, maintained and established into woodland. The monitoring reports shall be submitted to the Cairngorms National Park Authority for review. The works shall accord with the approved details and documents.**

Reason: The proposal involves the loss of woodland and the works are only considered to be acceptable subject to the replacement of the lost woodland with compensation planting to the same amount of that lost. It is therefore essential that the compensatory planting is delivered and established to ensure that the impacts of the works accord with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 as recommended by Scottish Forestry within their consultation response.

- 5. No development shall commence on site until an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Aberdeenshire Council Archaeology Team and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.**

Reason: To ensure that the archaeological value of the area is evaluated and recorded in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015 in accordance with the recommendations of the Aberdeenshire Council Archaeologist.

6. Prior to their translocation, for the development hereby permitted, details of the methods to be used to translocate the juniper including a timetable of the works shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The works shall thereafter be undertaken in strict accordance with the approved methodology.

Reason: To ensure that the translocation of juniper is undertaken correctly, during the optimum time of year and allows the juniper the best chance to establish in its new location in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

7. Prior to their installation, for the development hereby permitted, details of all surfacing of verges over the new bridge and kerbs shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The works to the verges and kerbs shall accord with the approved details thereafter.

Reason: To ensure the development conserves and enhances the landscape and special landscape qualities of the National Park to ensure that they will relate well to the rural character of this area, and to understand how the landscape experience of travellers passing over the bridge will tie into the roadside verges to the north and south as required by the CNPA Landscape Officer and in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

8. Prior to their installation, for the development hereby permitted, details of all materials and finishes for the parapets of the bridge and abutments, including a sample panel, stone source, size and construction methods, shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority and shall be constructed and retained, thereafter, in accordance with the approved details.

Reason: To ensure that the development conserves and enhances the landscape and special landscape qualities of the National Park in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

9. The development, hereby permitted, shall not be undertaken other than in strict accordance with the mitigation measures as set out in the following approved ecological documents and supervised by the retained Ecological Clerk of Works:
 - a) Squirrel Drey Survey and Species Protection Plan prepared by Landcare NorthEast and dated August 2020
 - b) Section 6.0 of 'Environmental Impact Assessment Phase I', prepared by Landcare NorthEast and dated July 2018

Reason: The site is associated with a number of European protected species and the development is only considered to be acceptable subject to the mitigation measures being undertaken to secure the strict protection of European protected species and ecological interests of the site in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015;

10. The development, hereby permitted, shall not be externally lit unless the specification of the lighting has been submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The lighting shall accord with the approved details thereafter.

Reason: To protect the ecological interests of the immediate area in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2015.

11. No development works shall be undertaken in-stream without prior written consent from the Cairngorms National Park Authority acting as Planning Authority together with the submission and approval of a full survey of in-river habitats to include:
- a) Detailed freshwater ecology survey which includes searches for freshwater pearl mussels and maps the habitats for salmon (highlighting the location of any salmon redds).
 - b) The survey must include habitat upstream of the old bridge (to 100m) and downstream of the proposed bridge (to 500m).

The development shall thereafter be undertaken in strict accordance with the approved documents and any updated mitigation measures as highlighted within the survey.

Reason: To ensure that work on site proceeds without damage to the environment and the qualifying interests of the designated European Site of the River Dee SAC in accordance with Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

12. The development hereby permitted, shall be constructed in accordance with the approved plans, approved sections and approved documents.

Reason: To ensure that the development conserves and enhances the landscape character and is sympathetic to the cultural heritage assets and to the character of the area in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Informatives

1. The development hereby approved, must commence within three years of the date of this decision notice. If this has not commenced within this period, then this planning permission consent shall lapse.

2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

Flood Risk Advisory

4. It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

NatureScot Advisory

5. You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/ breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot:
www.nature.scot/professional-advice/protected-areas-and-species/protected-species

SEPA Regulatory Advice

6. It is likely (Scotland) Regulations 2011 [CAR] will be required due to the length of the banks affected (>20m). The applicant is recommended to contact SEPA for detailed pre-application discussions prior to submitting the CAR application. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 to carry out engineering works in or in the vicinity of inland surface water (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licenses may be required for any installations or processes.

- Aberdeenshire Council Roads Department Advisories
7. The applicant should give further consideration to provisions of some form of roadside pedestrian linkage within the road verge to provide an off-road route from parking to the gated pedestrian access located on the northern side of the existing section of A393 loop which will be replaced by the new bridge and road alignment. The Team note that this loop is intended to be closed to all motorised vehicular traffic except for access.
 8. A separate formal Traffic Regulation Order will be required to close the gated section of repurposed A939 to vehicular traffic as indicated.
 9. It is noted that the refuse collection point for Gairnshiel Lodge is located beyond the proposed gated section of road and as such it is strongly advised that arrangements be made for a relocated waste collection point outwith the gated section alongside B976.
 10. Applicant is advised to consider relocating the “variable part time ‘snow’” signs along with other junction/ brown tourism signs from current B976/ A939 junction to the new junction.

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.