
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Construct as part of the Speyside Way Extension a 1.5km long, 2m width section of new path from Tromie Bridge to the RSPB hide at Insh Marches at Land 220M NW Of Torcroy Kingussie

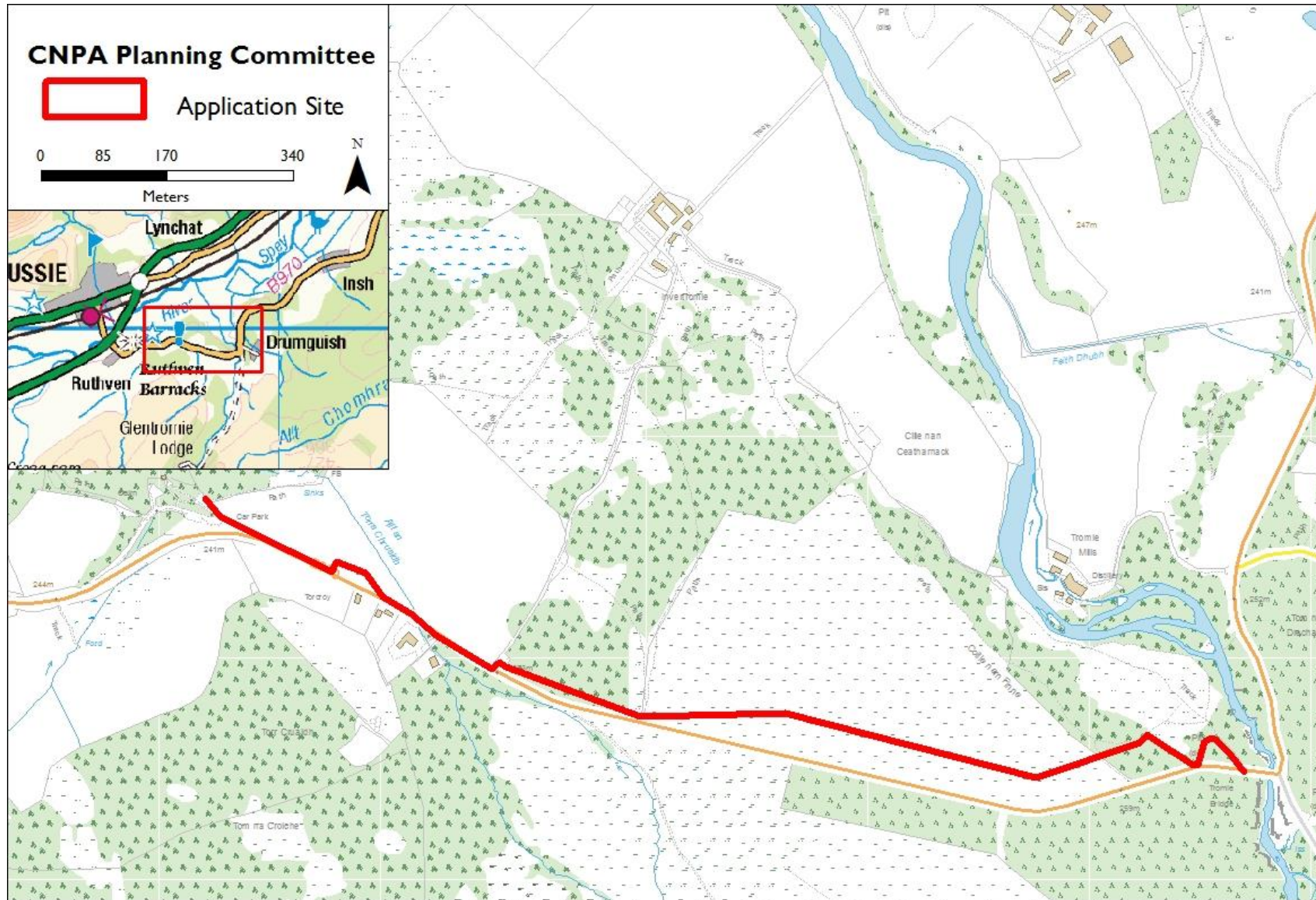
REFERENCE: 2018/0264/DET

APPLICANT: Mr David Clyne, CNPA

DATE CALLED-IN: 13 July 2018

RECOMMENDATION: Approve With Conditions

CASE OFFICER: Ed Swales Monitoring and Enforcement Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The line of the application site runs from Tromie Bridge in the East, through open pasture land and deciduous woods to Insh Marshes in the West.

Proposal

2. 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=PC0E10SI0BY00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan			23/07/2018
Location Plan – 85 th Percentile Speeds Displayed in Purple			23/07/2018
Section Plan – Gate Arrangement to Access The Route from The General Public Road at Tromie Bridge.		24/05/18	23/07/2018
Section Plan – Culvert Pipe	4	04/05/18	23/07/2018
Section Plan – Profile – As Dug Path Construction, bench cut on 17° Slope.	1	04/05/18	23/07/2018
Section Plan – Raised Aggregate Path Construction (2m clear path width)	3	04/05/18	23/07/2018
Section Plan – Raised as Dug Aggregate Plan	2	04/05/18	23/07/2018
Site Layout Plan/Works Map	6	30/05/18	23/07/2018
Site Layout Plan/Works Map 1			23/07/2018
Site Layout Plan/Works Map 2			23/07/2018
Site Layout Plan no. 1			23/07/2018
Site Layout Plan no.2			23/07/2018
General Ecological Survey Report	858a	19 th April 2018	23/07/2018
Results of Survey – Kingussie – Site 5 – 80m West of centre of Tromie Bridge – FROM Kingussie			23/07/2018
Speed Survey Results – Kingussie – Site 5 – 80m West of centre of Tromie Bridge – TO Kingussie			23/07/2018
Speed Survey Results – Site 6 – Eastern Entrance of Tromie Bridge – FROM Kingussie			23/07/2018
Speed Survey Results – Site 6 – Eastern Entrance of Tromie Bridge – TO Kingussie			23/07/2018
Speyside Way Extension Proposal –		01 April	23/07/2018

Tromie Bridge to RSPB Insh Marshes Hide.		2018	
Supporting Statement			23/07/2018

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

- The proposal is to extend the Speyside Way long distance footpath. The proposed route includes access and egress routes to the public highway, flat ground along with slopes featuring not greater than 8% incline. The proposed path will be 2m in width.

History

- The current application, along with CNPA reference number 2018/0286/DET, is the most recent in a series of applications for the Speyside Way. The Speyside Way was most recently extended to Insh through planning application reference number 2017/0036/DET, approved in September 2017.

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	
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	
POLICY 10	RESOURCES	
POLICY 11	DEVELOPER CONTRIBUTIONS	

- 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

6. 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	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

A summary of the main issues raised by consultees now follows:

7. **Historic Environment Scotland** has been consulted and upon consideration of the submitted documents have no comments to make with regards to the proposal, although advised consulting the Highland Council's Archaeology Service to seek advice regarding any unscheduled archaeology and listed buildings.
8. **SEPA's** standing advice states that footpaths should be designed so as to ensure there is no elevation in the land within the functional flood plain. It is considered that this section of the Speyside Way is not at risk of flooding
9. **Scottish Natural Heritage** advise that an appropriate assessment is not required, nor is a habitats regulation appraisal, however the CNPA is required to consider the effects of the proposal on the SAC before it can be consented.
10. **Highland Council Archaeology** offered no comments.
11. **Highland Council Transport Planning Team** have sought clarification on the access arrangement, including depth and dimensions, off the road to ensure there is no debris falling into the public road. Also that a removable barrier is placed at the entrance to avoid casual parking and the give way signage is removed and that suitable signage is installed regarding pedestrian and cyclist usage of the public road.
12. **Highland Council Forestry Officer** has been consulted and states that there is no issue with the principle of the proposed development but further clarification is required on the actual tree impact, tree protection specifications and any proposed tree planting.

13. The **CNPA Ecology Officer** states that SNH have confirmed that there is no requirement for a Habitats Regulation Appraisal. The CNPA Ecology officer requires advisories to be placed on the granting of any permission that works should only be permitted between April and August (inclusive).
14. The CNPA Ecology Officer does not consider the proposed extension to have a significant adverse effect on ecology however requests further information regarding the removal of trees and retention of trees through an updated Construction Method Statement.
15. The **CNPA Landscape Officer** advise that beyond the immediate construction window there shall be no significant adverse impact on the landscape character and no significant adverse impacts on the special landscape qualities of the area.
16. **CNPA Outdoor Access** are supportive of the application as it fulfils the long term ambition to extend the Speyside Way Long Distance Walk.
17. **Kingussie and Vicinity Community Council** have been consulted, however to date no response has been received.

REPRESENTATIONS

18. There have been no representations with regards to this application

APPRAISAL

Principle

19. The proposal seeks to extend the Speyside Way long distance footpath towards Kingussie and Newtonmore using a combination of existing desire lines and footpaths as well as short sections of new footpath. It will increase the formal footpath network and provide opportunities for informal recreation as well as increase opportunities for functional off road travel. Therefore the proposed development is acceptable in principle.

Sustainable Design, Natural Heritage and Landscape, Resources

20. The proposed route has been selected to avoid areas of woodland most likely to be sensitive to disturbance from recreation. It has been determined that there is no requirement for an Appropriate Assessment and similarly no requirement for a Habitats Regulation Appraisal as it shall not result in any significant detrimental effect on the natural heritage of the site.
21. The proposed routing of the track has taken into account habitats adjacent to it and the routing was chosen to minimise the disturbance to both the birch scrub woodlands and the open spaces. The proposal complies with Policy 4: Natural Heritage and Policy 5: Landscape.

22. The proposed development accords with the long held desire to extend the Speyside Way, a process which was begun in 2004 and as such complies with Policy 8: Sport and Recreation.

Roads Issues

23. Highland Council's Transport Planning Team gave comments requiring information regarding an update of information on the use of the public road, this will be controlled through a condition and will ensure the proposal complies with Policy 3: Sustainable Design.

CONCLUSION

24. The principle of good footpath provision for use of residents and visitors to the Cairngorms National Park is acceptable and accords with policies in the Cairngorm National Park Local Development Plan 2015. The material submitted to support the application demonstrates that the design and mitigation incorporated with the proposals will avoid or mitigate any significant impacts on the natural heritage features of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to the Construct as part of the Speyside Way Extension a 1.5km long, 2m width section of new path from Tromie Bridge to the RSPB hide at Insh Marches at Land 220M NW Of Torcroy Kingussie 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

- I. **No development shall commence on site until a revised Construction Method Statement that incorporates the following has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority:**
- a) **Protection of the large aspen tree to be retained during construction;**
 - b) **Confirmation that any scrub trees to be cut back are left in situ close to any remaining tree scrub.**

Thereafter, the development shall be implemented in accordance with the approved construction method statement.

Reason: To ensure there is no loss of ecology as a result of the development in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence on site until details of the following have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority;**

- a) **Details of the width of the entrance and depth of the access from the public road to the farm gate, showing the first 6 metres of the access surfaced to prevent any debris being dragged onto the public road;**
- b) **Details of a removable barrier to prevent the access being used as an informal car park; and**
- c) **Thereafter, the development shall be implemented in accordance with the approved details.**

Reason: To minimise interference with the safety and free flow of the traffic on the public road in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

3. Notwithstanding drawing no. 6 no permission is given to the use of the give way signage within that document.

Reason: To ensure there is misleading information on the public road in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Informatives

- 1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will 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.

4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents and recreational users in the area.
5. You are required to apply for and receive a Road Opening Permit from the Highland Council before any work commences on or adjacent to the public road.
6. You are advised that if any work is proposed to start during the bird breeding season (April to August inclusive) then pre construction checks for breeding birds must be undertaken.

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.