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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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(DEVELOPMENT CONTROL)

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**DEVELOPMENT PROPOSED:** ERECTION OF FOOTBRIDGE, OVER THE RIVER CLUNIE, CLUNIEBANK ROAD, BRAEMAR

**REFERENCE:** 04/243/CP

**APPLICANT:** BRAEMAR COMMUNITY COUNCIL

**DATE CALLED-IN:** 21 MAY 2004



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL



**Fig 2 site for footbridge showing old pier from original bridge**

1. The proposal is for a footbridge to span the River Clunie from a point south of the village just before Cluniebank Road makes a turn to the west. There was a footbridge at the site that was destroyed some years ago and a concrete pier, together with an abutment on the east side of the river which is still in evidence. The area on the west bank is relatively open; the bank on the eastern side is partly occupied by trees. There are a couple of public benches on the verge that look out over the river.
2. The bridge is to allow the re-opening of the access route to the A93 and will also offer the opportunity to create further circular walks from the village centre also taking in Kindrochit Castle. The applicant considers that being on a reasonably level plane these walks will help to address the lack of access to the countryside immediately around Braemar for less able visitors.
3. The bridge is designed with a single 20 metre span arch springing from the site of the existing abutments, the arc being formed by 2 steel oval box section bearers. These supports will carry the handrails. It is intended that to minimise environmental impact as much of the fabrication as possible will be carried out off site and the intention is that the bridge would be 'lifted in' in its complete form. Providing there is no environmental objections the existing abandoned pier will be removed. The surface of the footbridge would involve deck boards and oval steel tubes supporting larch handrails. The abutment works would have to take place at the site, utilising the existing remaining abutment on the east bank, the applicant

will seek an appropriate mortar match (design drawing attached at the back of the report).

4. The site is located within the Deeside and Lochnagar National Scenic Area (NSA) and lies within the River Dee candidate Special Area of Conservation (cSAC).
5. **At the Grantown-on Spey Planning Committee in December 2004, this item was deferred. A letter (copy attached at end of report) from a concerned neighbour had been received via the Local Plan Team which raised particular concern regarding otters from any resulting footpath that could be constructed along the east bank of the Clunie providing access to the village. The letter pointed to otter activity on this bank and given that the otter is a species protected under European legislation and that this relates to the first aim of the Park in terms of natural heritage it was decided to defer the application to investigate this issue further. This version is an amended version of the earlier report (additions in bold).**

## DEVELOPMENT PLAN CONTEXT

6. **Policy Gen 1 of the Aberdeenshire Local Plan** considers that development will be assessed against sustainability indicators that relate to the local environment, community and economy, demonstrated by whether the proposal is concerned with long term management of land, is well related to existing settlements, reduces the need to travel using private cars, does not damage valuable natural resources, or cultural heritage, does not impact negatively on the character or amenity of an area and does not give rise to pollution or flooding.
7. **Policy Env/5** considers that development within or adjacent to a National Scenic Area will not be permitted where its scale, location or design will detract from the quality or character of the landscape. The policy goes on to consider that high quality design will be required within such areas.

## CONSULTATIONS

8. **Scottish Natural Heritage (SNH)** has been consulted upon the application and confirm that the River Dee cSAC it is identified for its populations of Atlantic Salmon, Freshwater Pearl Mussel and Otter. SNH consider that the proposal has the potential for pollution from sedimentation during the construction process and recommend conditions are applied to limit works to between June and mid October, that SEPA guidelines are adhered to and that foundations are sited as far away from the riverbank as possible and that a construction method/statement should be submitted to and approved by the CNPA.
9. **SNH** consider that if these conditions are not applied then an appropriate assessment of the proposal in terms of its impact upon European Nature Conservation Interests would be required.

10. **SNH** are content with the siting and design of the bridge at this location within the National Scenic Area.
11. **SNH were consulted with regard to the issue raised by a concerned neighbour in paragraph 5 and have responded that SNH would raise concerns regarding such an issue if a mother had given birth to a litter of dependent young where construction was taking place. This means that SNH are looking specifically for evidence of a holt in the area. The response goes on to point out that otters are remarkably tolerant to disturbance and points out that a review of anecdotal evidence in 1987 demonstrated that otter activity was not significantly affected by various forms of anthropogenic disturbance (including walkers, anglers and dogs). A study in 1993 found that otters can become habituated to disturbance and this is demonstrated by their success in locations such as Glasgow and Sullom Voe in Shetland where some otters breed under the jetties of Europe's largest oil terminal. Given the above and the information already submitted there is no evidence to suggest that the otter population using the river will be impeded by increased footfalls in the area as a result of the proposed development.**
12. **CNPA Natural Resource Group** have raised concerns that the otter survey was conducted at a time of high water and that evidence of otters may have been washed away. SNH have been contacted on this issue and have confirmed that they are happy with the survey. In relation to the timing of works conditions it has been noted by NRG that the driest months are in May and June. **The Natural Resource Group consider that the additional comments from SNH (para 11) seem well balanced and evidence based.**
13. **SEPA** would prefer the abutments to be set as far back from the riverbank as possible and would recommend the submission of a method statement to address a range of issues such as timing of works, landscaping, machinery access in, or near the watercourse, and waste streams to be identified and temporary measures proposed to deal with surface water run off during construction.
14. **Aberdeenshire Council Planning Service** has commented that in so far as their interests are concerned, the application for a new bridge at the above location would help to improve and enhance pedestrian walkways and links through the village for tourists and visitors to the village.
15. **The CNPA Visitor Services** have commented upon the proposal and point out that the bridge is over a route featured in a Scottish guide to white water for canoeists and ask whether adequate clearance is available for paddlers.

## REPRESENTATIONS

16. Two letters of objection have been received raising a range of concerns, particularly regarding safety for pedestrians along Cluniebank Road, which has no footpath. Fears are raised regarding any increase in pedestrian numbers along this narrow road with blind bends. While the writer has no objection to the principle of the proposal itself, it is considered that this should not go ahead without a

footpath being provided along the road. **An additional letter from the same writer has been received via the Local Plans Team raising concerns regarding otter activity along the banks of the river and disturbance that would result from any footpath construction along the east bank to link houses at Balnellan with the river.**

17. Another writer considers that the main bridge in the village over the river is sufficient to allow walkers to access the path network around the village. The writer also considers that the bridge would interfere with the rivers flooding capacity and points out that the previous bridge was washed away when the river was in spate and that no structures should be placed in the area, which would obstruct the needs of the river. The writer also points to the importance of the vegetation along the banks of the river. It is also pointed out that the proposed linking footpath to be utilised by the bridge would result in disturbance to hares in a nearby field.
18. A copy of these representations has been attached at the back of the report.
19. The applicants have written a letter of support for the proposal that has also been attached at the back of the report. **An e-mail received from the applicant confirms that there is no plan to construct a footpath along the east bank of the river.**

## APPRAISAL

20. The key issues to consider in the determination of this application are whether the bridge is acceptable in principle and in policy terms and whether the siting and design of the bridge together with its associated impacts upon the natural heritage of the River Clunie are acceptable.
21. Firstly, it must be recognised that there was a bridge at this site originally. It is understood from one of the representations that this was washed away in a flood. However, one abutment and a pier are still evident at the site.
22. The intention is to provide a new bridge on the same site as the old one while also utilising the existing abutment on the east bank as much as possible. The bridge would contribute to linking Cluniebank Road with the A93 along the northern boundary of the caravan park. Given that the proposal would allow for increased access around the village it is considered that the principle of such a bridge is acceptable and it would certainly contribute towards the third aim of the Park. However, the Clunie is a Candidate Special Area of Conservation and an assessment of the proposal must be made against any potential impacts upon the first park aim in relation to natural heritage.
23. Scottish Natural Heritage have provided a detailed response on the proposal and requested an otter survey. This has been provided and SNH have no concerns relating to potential impact on otters. SNH's original consultation reply suggested conditions regarding the timing of the works. This relates to potential impacts upon populations of Atlantic Salmon and Freshwater Pearl Mussels, namely, that

any work takes place between June and mid October to ensure that there is no disturbance to juvenile salmon and Freshwater Pearl Mussels from sedimentation during construction. The applicant had responded that some works would have to be carried out before June (particularly the removal of the stone pier, although this may not require planning permission of itself, but would require SNH's permission) However, SNH maintain objection to the proposal should the application be approved without this condition and a range of other conditions relating to construction methods. If the condition were not to be imposed this would result in the Scottish Executive having to be notified of the proposal, as the comments would become a formal objection. It has been pointed out to SNH that the driest times of year in the area are mid May and June. However, SNH have confirmed that the need for the condition relates specifically to the risk of disturbance to spawning salmon and their eggs. Given that the conditions proposed are intended to safeguard species of European importance it is considered that it is important to apply conditions in accordance with SNH's wishes.

24. **The issue regarding otters has been revisited both with the applicant and SNH. The applicant has confirmed that there is no intention to build a footpath along the east bank of the River Clunie which seemed to be a major concern of the neighbours letter. In addition, SNH have provided a further detailed response ( see para 11) which sets down clearly why they consider that based on the evidence provided increased footfalls in the area would not be an impediment to otter activity.**
25. In terms of landscape, the proposal site is located within the Deeside and Lochnagar National Scenic Area. However, SNH are content with the design of the bridge in this location close to the edge of the village.
26. In terms of the detailed design the single span approach ensures that no piers are required in the centre of the river to ensure minimum disturbance to the river system and the re-use of the existing abutment should also help to minimise disturbance to the riverbank on the east side. The overall design produced is considered to be of a high quality and results in a lightweight approach that will help to minimise any visual impact that could result from a 'chunkier' timber design bridge. A designer who has a considerable track record in relation to bridge design has produced this proposal and it is considered that the structure would add positively in terms of visual interest and the character of the area.
27. The CNPA Visitor Services Group have no objection to the bridge and design and consider that the removal of the concrete pier would be an excellent move from a safety point of view. Some concern is raised regarding the height of the bridge at the centre point to allow access for paddlers as the river is in the Scottish White-water canoeing guide. The applicant has been asked about this and has consulted local paddlers; it is considered that the centre of the bridge as proposed allows adequate clearance.
28. Concerns have been raised by representees in relation to highway safety, and that in particular placing a bridge in this location would encourage more pedestrians onto Cluniebank Road, which has no footway. It is considered by them that this

could result in dangers to both pedestrians and drivers. However, Aberdeenshire Planning Service has no objection to the proposal. The Transport and Infrastructure Services division of Aberdeenshire Council have been consulted but have provided no comment.

29. The introduction of a bridge in this location may well be likely to introduce more pedestrians onto Cluniebank Road, but tourists often walk in this direction in any case to look at the river, the opportunity of a link across the river would ensure that they do not have to walk back down Cluniebank Road but can walk a circuit across to the A93 which has footpath provision. This could possibly result overall, in fewer pedestrian trips up and down this section of road, but conversely, it is recognised that additional walking trips into the centre could be made from the caravan park. The concerns raised in relation to safety are appreciated and the addition of a footpath along Cluniebank Road (as suggested by one writer) would perhaps make matters safer. However, it should be noted that parts of the road have a grass verge to walk along and ultimately, the applicants cannot be forced to add extra elements to their proposal however desirable and a decision must be made as to whether this application is acceptable based upon the submitted details. In my view, the proposal is generally positive, hence a recommendation of approval.

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

30. Concern has been raised, particularly by SNH regarding Otters. However, this concern has been withdrawn as a result of an otter survey supplied by the applicant. **SNH have provided a detailed response, over and above what would normally be expected to show that otters would not be unduly impeded by the proposal.** A range of conditions are suggested by SNH to protect the interests of Salmon and Freshwater Pearl Mussels, these have been included as per SNH advice. In landscape terms the bridge is of a lightweight, interesting design that would contribute positively to the local landscape. Most of the construction work will be carried out off site to limit the disturbance to the river from the construction of the bridge. **An additional condition not included on the original report has been included to provide a dipper nesting box which will contribute in a small way to enhancing natural heritage at the site.**

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

31. The source of the materials is not entirely clear. However, larch is to be used for the handrails and the works on the east bank will rely heavily on the abutment that is already in place, which will help to minimise the use of additional materials.

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

32. The bridge will open up additional walks for local people and visitors and would as such contribute to the understanding and enjoyment of the area.

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

33. The proposal would help to promote the development of the area by providing a walk that would be open to the less able and contribute towards the overall attractions of the village. It is understood that local people may be involved in the construction process, particularly those employed at the Glenshee Ski Centre. **The applicant has confirmed that the bridge has no steps, is wide enough for a wheelchair and has a shallow gradient. The decking would be placed lengthways along the bridge and have a non-slip surface.**

### RECOMMENDATION

34. That Members of the Committee support a recommendation to: **GRANT Full Planning Permission for the erection of a footbridge, Cluniebank Road, Braemar, subject to the following conditions:-**

(i)The development to which this permission relates must be begun within five years from the date of this permission.

(ii)Exact details and specifications of all proposed external finishing materials (including colours) shall be submitted for the further approval of the Cairngorm National Park Authority acting as Planning Authority before any work commences on site. The scheme shall then be implemented in accordance with those details.

(iii)Prior to the commencement of the development hereby approved a detailed method statement indicating the following:- a) temporary measures proposed to deal with surface water run-off during construction in order to prevent potential water pollution. b) identification of all waste streams associated with the works. c) machinery access in or near the watercourse. d) landscaping. e) timing of works, with bridge and other construction works being staged to avoid periods of highest rainfall. e) micro siting of bridge foundations. d) A further check for signs of otter at a time to be agreed by the CNPA prior to start of works. All of the above shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA and SNH. Construction shall be carried out in accordance with the approved method statement.

(iv)Construction works shall not take place outside of the months of June to 15 October unless otherwise agreed in writing by the CNPA in consultation with SNH.

**(vi)A Dipper nesting box shall be positioned at the bridge in a location to be agreed in writing by the Cairngorms National Park Authority acting as Planning Authority. The nest box shall be fixed in the agreed position within 6 months of the completion of the bridge unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.**

## **ADVICES TO APPLICANT**

The developer should comply with SEPA's guideline document PPG5-Works In, Near or Liable to affect Watercourses.

During the construction phase of the development, any muddy surface waters or discoloured groundwater generated on the construction site should not be admitted to any surface water drain or watercourse. All construction work must be in accordance with SEPA's Pollution Prevention Guideline PPG6 'Working at Construction and Demolition Sites'.

**Andrew Tait**

*Date 10 January 2005*

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