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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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**DEVELOPMENT PROPOSED: TO CREATE A COUNTRYSIDE PARK WITH PATHS AND TIMBER FOOTBRIDGE WITH BOARDWALK ACCESS ON EITHER SIDE; SHELTER; AND POND ON LAND EAST OF DALFABER ROAD, AVIEMORE**

**REFERENCE: 2012/0232/DET**

**APPLICANT: MR. JOHN GRIERSON ON BEHALF OF AVIEMORE AND VICINITY COMMUNITY COUNCIL C/O CAIRNGORMS OUTDOOR ACCESS TRUST**

**DATE CALLED-IN: 20 JULY 2012**

**RECOMMENDATION : APPROVE WITH CONDITIONS**



Grid reference: 289782 812521

Fig. 1 - Location Plan

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought for the creation of a countryside park on land to the west of the River Spey, near Dalfaber Road in Aviemore. The main elements of work proposed in order to commence the creation of the countryside park is a network of paths, a timber footbridge with boardwalk access either side, a small shelter, sign posting and interpretation panels and a pond. The overall park would extend to an area of approximately 60 acres, on land between the River Spey and Dalfaber Drive, which consists of a mix of sheep grazing land and poor quality scrub. The current limited use of the land is in part attributable to the fact that much of the area lies within the flood plain. Supporting information indicates that some of the main intentions in progressing the development proposal include enhancing the environment, improving the local ecology and putting the land to a better use for the benefit of all. The proposed countryside park would be easily accessible to people in Aviemore and the submission details estimate that it is within 3 minutes walk of the village centre and 200 metres from existing Council parking and toilet facilities.



Fig. 2: proposed countryside park, as viewed from Dalfaber Road

2. The following is a summary of the main components of the proposed development:
  - Path network – the proposed network of paths would extend to approximately 1 kilometre, with each path being 1.8 metres in width. The first 160 metre section of path which would extend across the flood plain would be created using a Golpla grass paving system. The Golpla system is a “rigid, high quality and heavy duty recycled plastic grass reinforcement and erosion control system.” It has been designed to maintain grass growth under conditions of intensive pedestrian usage. Detailed specifications on the construction method of this grass paving system have been provided in support of the application. Following ground excavations, the Golpla system involves a number of layers, including compacted clean graded stone, a layer of geogrid mesh, a bed of rootzone and a final top layer of Golpla grass pavers. The pavers would be filled with screened topsoil seeded with a special Golpla grass seed mix. The remaining majority of the new path network would have a conventional

aggregate surface, which would be on higher ground above the flood plain. The aggregate would be locally sourced from Alvie Quarry, and it would be graded and rolled to leave an even surface, with a slightly raised camber in order to shed water. Path edges would be landscaped using turfs removed during construction.

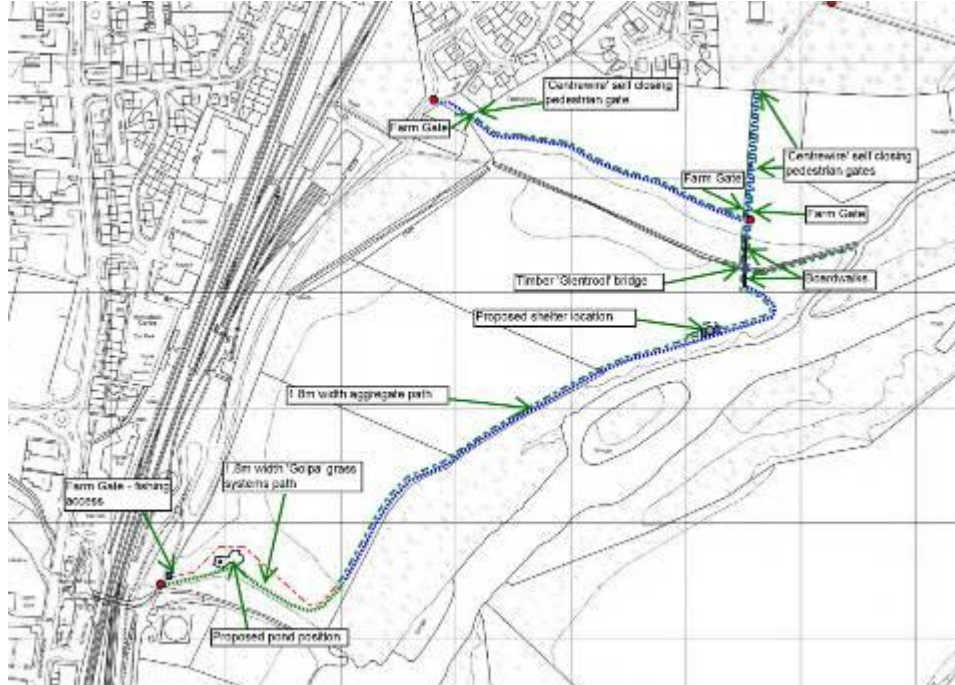


Fig. 3 : Proposed path network



Fig. 4 : Golpla path system to be used across flood plain



Fig. 5 : Aggregate path running along the river bank



Fig. 6 : Boardwalk and bridge location



- Footbridge and access boardwalk – the proposed bridge is a ‘Glentroot’ design, which has a predominant finish of timber<sup>1</sup> with steel supporting beams. The bridge would be approximately 2 metres in width, with a span of 6 metres across a drainage channel, in the north eastern area of the proposed new path network. The bridge would be erected on gabion abutments. A timber boardwalk would be constructed across wet ground either side of the bridge.

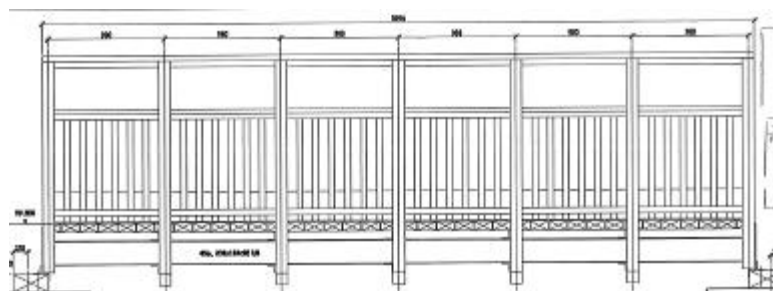


Fig. 7 : ‘Glentroot’ bridge

- Shelter - the proposed shelter would be an open sided, hexagonal shape, constructed by using 6 round timber pillars to support a cedar shingle roof. The timber is intended to be sourced from Seafield Estate.<sup>2</sup> The shelter would be 6 metres in diameter and have an overall height of 4.73 metres. The ‘floor’ of the shelter would be aggregate – graded and rolled in order to create an even surface. Hard standing edges would be landscaped using turfs removed during construction. The shelter is proposed to be sited on a high point of the parkland, above the flood zone, in the eastern area of the path network, overlooking the River Spey. It would be accessible from both the northern and southern sides of the new path network. Supporting information also states that two wooden picnic benches would be installed within the shelter.

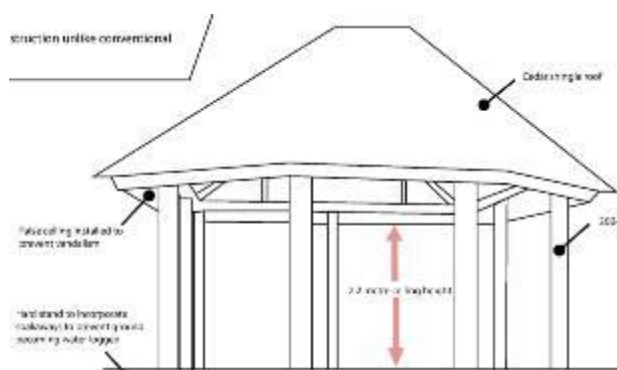


Fig. 5 : proposed shelter

- Pond – a small pond would be developed near the start of the walk (close to the railway underpass from Aviemore village centre onto Dalfaber Road). The pond is proposed to be located immediately to the north of the new path.

<sup>1</sup> Timber posts, decks and rails.

<sup>2</sup> The timber would be cut from Seafield Estate using locally employed hand cutting teams and the shelter would be erected by an Aviemore resident who works for Highland Forestry.

3. A separate application seeking advertising consent for fingerpost signs and information panels relating to the proposed new path network has also been submitted and is the subject of Paper 2 of this meeting agenda (CNPA ref. no. 2012/0233/ADV refers).

## DEVELOPMENT PLAN CONTEXT

### National Policy

4. **Scottish Planning Policy<sup>3</sup> (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
  - The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
5. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
6. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
7. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
8. Open Space and Physical Activity: Para. 148 of the **SPP** states that access to opportunities for recreation make important contributions to a healthier

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<sup>3</sup> February 2010

Scotland. The planning system has a role in helping to create an environment where physical wellbeing is improved and activity made easier.

9. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
10. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

### Strategic Policies

#### **Cairngorms National Park Partnership Plan 2012 - 2017**

11. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long terms outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
  - A sustainable economy supporting thriving businesses and communities;
  - A special place for people and nature with natural and cultural heritage enhanced; and
  - People enjoying the park through outstanding visitor and learning experiences.

### Structure Plan Policy

#### **Highland Council Structure Plan (2001)**

12. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
  - Supporting the viability of communities;
  - Developing a prosperous and vibrant local economy; and
  - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
13. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature

conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.

14. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
15. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

16. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
17. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
  - Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
18. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan’s lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
19. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of

designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.

20. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
21. Policy 34 – Outdoor Access: the policy encourages development which improves opportunities for responsible outdoor access and adheres to the Cairngorms Outdoor Access Strategy. Development proposals which would result in a reduction of public access rights or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas) will only be permitted where an appropriate or improved alternative access solution can be secured.

#### **Supplementary Planning Guidance**

22. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

#### **Sustainable Design Guide**

23. The guide highlights the fact that the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
24. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.



### **Natural Heritage SPG**

25. The guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. The following is an extract from the Natural Heritage Supplementary Planning Guidance which sets out the six key principles used to assess planning applications in relation to natural heritage.
- Principle 1 – development should result in no net loss of natural heritage interest of the Cairngorms National Park. This includes natural heritage interest which may be outside the boundaries of the development site;
  - Principle 2 – in any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss of damage will always be minimised as far as possible;
  - Principle 3 – if the loss or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site;
  - Principle 4 – if full mitigation is not possible on site then it should be completed with a combination of on site mitigation and off site compensation;
  - Principle 5 - where full mitigation or compensation measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the National Park;
  - Principle 6 - Calculation of compensation will take into account the quality of outcomes over time.

### **CONSULTATIONS**

26. **Scottish Natural Heritage (SNH)** : SNH has considered the proposal in accordance with the casework agreement which exists between SNH and the CNPA, and the advice from SNH has consequently been provided on the implications of the proposal for designated natural heritage features and European Protected Species. There is no objection to the development proposal.
27. The response from SNH notes that the proposed paths would be adjacent to, but not within the River Spey Site of Special Scientific Interest (SSSI) and the Special Area of Conservation (SAC). Those sites are designated for their populations of Atlantic salmon, freshwater pearl mussels, sea lamprey and otter. SNH note that adequate safeguards against pollution are contained in the method statement accompanying the application and the development would not therefore impact on the majority of species for which the sites have been designated.
28. The only feature which is likely to be affected is the otter. Otters are a European Protected Species. Whilst some otters could be disturbed, the disturbance during the construction phase would “be small scale and temporary and unlikely to result in disturbance enough to affect the otter population in this area.” SNH note that information supporting the application also includes an otter survey, including mitigation proposals for any

disturbance. SNH consider that the otter survey report is thorough and its recommendations are accepted.

29. **SEPA** : The proposal has been considered in the context of flood risk. The response from SEPA notes that the application site (or parts thereof) lies within the 1 in 200 year flood envelope of the indicative River and Coastal Flood map (Scotland). As such the site may be at medium to high risk of flooding. Reference is also made to evidence of the area being subject to frequent flood events.<sup>4</sup>
30. The consultation response also makes reference to SEPA engaging in pre-application discussions about the proposal. A reduction in the size of the proposal<sup>5</sup> from the scale discussed at the pre-application stage is welcomed, as is the proposal to locate the proposed shelter on an area of raised ground, consistent with advice previously provided by SEPA. In conclusion, SEPA has no objection to the proposed development on the grounds of flood risk, subject to a condition being included in the event of planning permission being granted, to ensure that no landraising takes place during construction. In the event that the recommended condition is not applied in its entirety to any permission granted, the response from SEPA should be treated as an objection.
31. **CNPA Access** : The proposal has been considered from the perspective of outdoor access and it is commented that the development will have a positive impact on outdoor access as “it will address the long standing aspiration of the community to improve access to and along the river bank and provide a more attractive route for the Aviemore orbital path.” The response from the Access Officer also highlights that the Core Paths Planning process identified a strong desire to improve the quality of the Aviemore orbital and improve access along this section of the River Spey. It is recognised that this development will go a significant way towards addressing that need. Overall, the CNPA’s Outdoor Access Team is very supportive of the development proposal.
32. The response from the Access Officer also refers to an existing popular path between the river and the sewage works and suggests in order to avoid any potential obstructions, that an additional self closing pedestrian gate is installed at an appropriate location.
33. **CNPA Landscape** : It is noted in the consultation response that the proposed development is the first phase of work to create the Aviemore countryside park, and it is acknowledged that the development will provide opportunities for users to experience the river-side landscape and would also provide new views of the Cairngorms. The Landscape Officer notes in the response that the proposed footpath network would assist in delivering a number of landscape priorities identified in the Landscape Toolkit, including :

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<sup>4</sup> 1829 (the Great Moray Floods), 1973, 1975, 1978, 1979, 1981, 1983, 1984, 1989 and 1990.

<sup>5</sup> Two additional bridges and a section of path adjacent to properties most at risk of flooding have been removed from proposal since the pre-application discussions.

- Conserving and enhancing existing views of the mountains;
  - Creating new opportunities for viewing the mountains in appropriate environments; and
  - Facilitating access across settlement edges and into surrounding landscapes.
34. The Landscape Officer concludes that the potential landscape impacts of this development are likely to be positive and enhancing rather than adverse. Attention is however drawn to the fact that soft landscape works and their protection and management are an essential part of maximising the landscape and natural heritage enhancement opportunities on the site. As such it is suggested that it would be beneficial for subsequent phases of the countryside park development to follow soon after the establishment of the path network.

## REPRESENTATIONS

35. The planning application was advertised in the Strathspey and Badenoch Herald on 12<sup>th</sup> July 2012. No representations have been received.

## APPRAISAL

### Principle

36. The proposed development is an initiative by the Community Council to develop a recreational resource within close proximity to the village of Aviemore, which would be available for the use of the general public. As noted in foregoing sections of this report, the land on which the development is proposed is generally poor quality scrub and used for sheep grazing. There is also evidence on the ground in some areas that informal walking routes have been established overtime. The development of a new network of paths in the area, as well as the associated infrastructure including a bridge, a limited section of boardwalk and the shelter and pond, is a non intensive use of the area and would not generally give rise to any adverse impacts.
37. Details have been provided to explain the aspirations behind the project, with one of the main aims being to “reconnect individuals with their unique surroundings whilst regenerating a centrally located but underused piece of land.” The new development would have multiple beneficial purposes, as outlined in the supporting documentation, including providing increased recreational opportunities in the Aviemore area, thereby encouraging residents and visitors to explore and exercise on the path network and in doing so adopt a healthier lifestyle. It would also provide opportunities for individuals to observe and appreciate the natural qualities of the area. The development accords with Policy 34 (Outdoor Access) of the CNP Local Plan, which encourages opportunities for responsible access.

### Design specification

38. The plans and supporting information which have been submitted with this application are comprehensive in nature, and include detailed construction method statements for the paths, bridge and boardwalk. The general path

design, including the combination of aggregate path finish and the small section of Golpla grass paving, are acceptable in terms of use and functionality and are also appropriate solutions which will ensure that the path network blends into its surroundings. The path network would be a low impact development in this riverside area and from a distance has the potential to be almost unidentifiable, being screened by the existing surrounding field vegetation.

39. The 'Glentool' bridge is a frequently used design in rural and semi rural locations. The design and finishes are suited to the proposed siting, and the timber boardwalk at either side of the approach to the bridge is also acceptable. The boardwalk is also a commonly used design feature when constructing paths in wetter area. The overall design accords with the requirements of Policy 16 (Design Standards for Development) of the CNP Local Plan. In particular it demonstrates the use of materials that will complement the setting of the development and has been designed to create an environment that can be enjoyed by a variety of users.

### **Conclusion**

40. The proposal is considered to be acceptable in terms of compliance with planning policy, design and the impact on the landscape and natural heritage of the area. The proposal will create significantly improved access opportunities in the area and is an important first phase in the wider development of the countryside park.

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

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

41. The proposed new path network is of limited scale when considered in the context of its setting in an area of open scrubland and rough grazing. Construction activities would be undertaken within a relatively narrow working corridor and the nature of the built structures and the construction techniques involved are generally sensitive to the natural heritage features of the area.

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

42. Timber is the predominant material in the built structures associated with the development proposal (i.e. the bridge, boardwalk and shelter) and it has been indicated that the timber for the shelter would be sourced locally. The aggregate finish proposed on the majority of the new path network would also be sourced in the local area. This is beneficial in avoiding remote sourcing and the associated transport implications.

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

43. The proposed development would provide a new path network in the Aviemore area, with the new paths providing links to a number of existing routes in the Dalnaby area, as well as linking directly to the railway underpass which leads to the village centre. The development would provide significantly increased opportunities for residents and visitors alike to explore this area of

Aviemore and to experience the natural qualities of the location and the views of the River Spey and the mountains in the distance.

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

44. The development of the new path network and its linkages to existing paths in the area would all contribute to encouraging visitors to the area to experience the special qualities and recreational opportunities. As such this could have a positive impact on the economy of the area. Submissions accompanying this application also stress the social benefits of this new development, as it is considered as a means of providing the local community with increased recreation opportunities and is considered a means of improving social cohesion.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT planning permission to create a countryside park with paths and timber footbridge with boardwalk access either side, a shelter and a pond on land 150 metres east of Dalfaber Road, Aviemore, subject to the following conditions :**

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

**Reason:** To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

2. Prior to the commencement of development, detailed dimensions, specifications and a construction method statement for the pond shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The agreed works shall thereafter be implemented.

**Reason :** in the interests of clarity and to ensure that the development assimilates into its setting.

3. Prior to the commencement of the development details of all colours of materials for the bridge and boardwalk shall be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The development shall be implemented in accordance with the agreed colour details thereafter.

**Reason:** In the interests of the visual amenity of the area.

4. Prior to the commencement of development a revised site plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority to show the provision of an additional self closing pedestrian gate adjacent to the farm gate at the junction of the

eastern and northern path in the area to the north of the boardwalk (approximate grid reference 290160 812860).

**Reason :** In the interests of maintaining adequate access to other paths in the surrounding area.

5. During the construction of the development hereby approved no landraising shall be undertaken. Should any landraising be proposed, a detailed justification for this should be provided to demonstrate that the landraising has been minimised. This shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA, prior to the commencement of any works on the site.

**Reason :** In the interests of minimising any loss of flood storage area and reducing flood risk.

6. In the event that any deviation of existing access routes becomes necessary in order to facilitate the carrying out of the works, details of the proposed deviation shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority prior to the commencement of development. Otherwise all existing access in the area shall be protected and maintained.

**Reason:** In the interests of general amenity and maintenance of public access in the area.

**Mary Grier**

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**5 September 2012**

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.