
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR
EXTENSION OF EXISTING RAIL
TRACK FOR APPROX. 100 m AND
ERECT AN EXISTING BRITISH RAIL
BRIDGE OVER THE RIVER
DULNAIN
AT 420 m EAST OF VIEWFIELD,
EASTER CURR, DULNAIN BRIDGE**

REFERENCE: 2012/0220/DET

**APPLICANT: DAVID FRASER, STRATHSPEY
RAILWAY CHARITABLE TRUST,
AVIEMORE STATION, DALFABER
ROAD, AVIEMORE**

DATE CALLED-IN: 06/07/2012

RECOMMENDATION: APPROVE WITH CONDITIONS

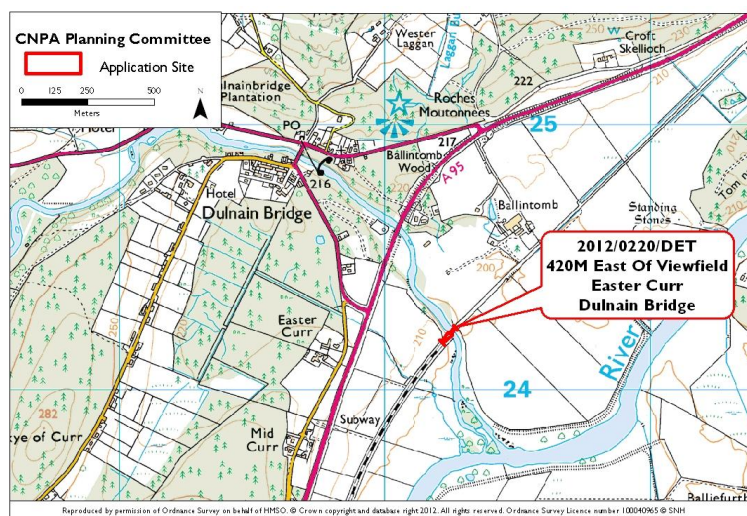


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought to extend the existing railway track from Aviemore to Broomhill, by around 100 metres eastwards in order to connect to a crossing point over the River Dulnain, which is located a short distance west of Ballintomb Farm. This will enable this existing steam railway line to be extended further eastwards, eventually to connect to Grantown on Spey. This wider extension programme does not form part of the current application, which is simply the first phase of the works. At present there is no bridge over the River Dulnain at this point, only the stone abutments and side walls of the former bridge



Figure 2 – photo of existing bridge

2. This proposal is to install a new bridge decking, using a former Network Rail steel bridge which has been made available to the applicants and is presently stored at the Boat of Garten station yard. This will be erected using the existing bridge abutments/side wall with parts of the existing stone railway abutments taken down to enable this new bridge to be installed. The abutments will then be rebuilt again using the original stone and reinstated to their current appearance. A plan showing the proposed bridge is attached below as Figure 3.

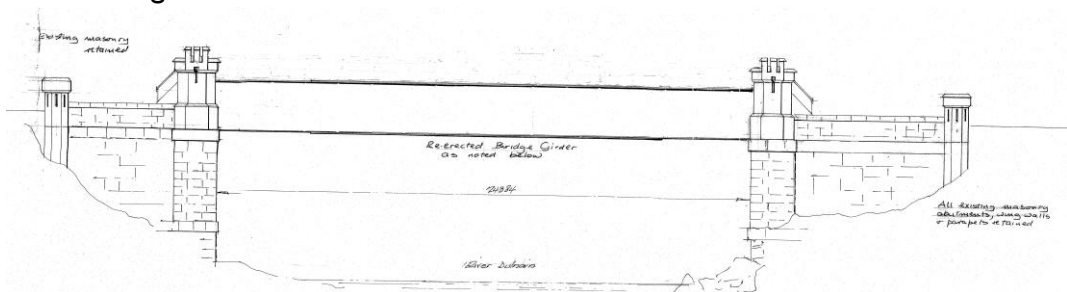


Figure 3 – plans of proposed bridge

3. At present the railway line from Aviemore goes eastwards past Broomhill Station and stops short of the River Dulnain. The proposal is to extend this track by around 100 metres in the same style, i.e. railway sleepers and tracking. No other changes are proposed.
4. The applicants have submitted supporting information which explains that since its formation in the 1970s, the Strathspey Railway Company has had the long term aim of re-opening the railway all the way to Grantown on Spey, with the track now formed almost to Dulnain Bridge. The ongoing work on track laying etc to date has equipped the staff and volunteers with the necessary skills to continue this work. The assembling of parts etc will take place at the stations at Aviemore and Boat of Garten. The applicants have set out how they would hope to continue work thereafter to extend the line to Grantown on Spey. However this does not form part of the current application. No access to the River Dulnain will be required and a continuous timber deck will be installed on the new bridge to protect the water environment below.
5. The Dulnain River is a tributary of the Spey and is part of the River Spey Special Area for Conservation (SAC). A qualifying interest of this SAC is otters, which are also protected species which may be affected by the works. Given this situation, an Otter survey was undertaken by the applicants and submitted in support of the application. This concluded that there should be no adverse impacts upon otter here providing measures are taken to ensure the safe passage of otters under the bridge whilst work is ongoing, for example ensuring no pipework is left open with clear passage for otters maintained. The applicants construction method statement has clarified that there will be no works *in*, or *on* the banks of, the river and no proposals for scaffolding or similar to be erected below the bridge whereby there should be no adverse impact upon the otters
6. The construction method statement also clarifies how the works will be carried out in order to minimise any environmental impacts and to ensure all works are in line with the requirements of the relevant agencies, such as SEPA and SNH. This statement has now been considered by relevant consultees (SNH and SEPA) who have confirmed it is satisfactory.

As work is proposed to the bridge abutments a bat survey was requested from the applicants as the abutments are the type of habitat which may be favoured by roosting bats. Accordingly, as bats are a protected species, it was necessary to establish whether there are any bats here, and if they will be impacted upon by the works. A survey has been carried out which concludes that there is no evidence of roosting bats on the parts of the abutments which could be surveyed. This has been passed to SNH for comment.

DEVELOPMENT PLAN CONTEXT

National Policy

7. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that 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 and has the basic aim "to achieve the right development in the right place."
8. 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 key one in this case is the topic on *landscape and natural heritage* which sets out that Planning Authorities should support opportunities for enjoyment and understanding of the natural heritage with siting and design to be informed by local landscape character.
9. The importance of biodiversity is highlighted, and recognised as an important element of sustainable development which makes an essential contribution to Scotland's economy and cultural heritage with the need to conserve and enhance our natural heritage highlighted. Where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain, planning authorities are advised to apply the precautionary principle. It is however also stated that the precautionary principle should not be used to impede development unnecessarily, and modifications to a proposal which would eliminate the risk of irreversible damage should be considered
10. National Parks are also discussed with the SPP advising that in circumstances where conflict between the objectives of the Park arises and cannot be resolved, conservation of the natural and cultural heritage should take precedence.
11. Scottish Planning Policy also supports tourist related and economic development.

Strategic Policies

Cairngorms National Park Partnership Plan 2012-2017

12. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.

Three long term outcomes for the Park are set out as follows:

- 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.

13. These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Local Plan

Cairngorms National Park Local Plan (2010)

14. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at : <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
15. New development requires to be assessed in relation to all policies contained in the Plan. In this case the key policies are set out below.
16. Policy 33 – Tourism Related Development which supports tourism related development which has a beneficial impact on the local economy through enhancing the range and quality of tourism attractions providing it has no adverse environmental impacts
17. Policy 29 – Integrated and Sustainable Transport Network which supports development proposals where adequate consideration has been given to maintaining or improving the sustainable transport network through reducing car dependency and promotion of sustainable transport modes, and linking to the existing hierarchy of travel modes.
18. Policy 6 – Landscape which sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits.
19. Also relevant is Policy 3: Other Important Natural and Earth Heritage Sites and Interests, given that the site lies within a Special Area for Conservation (SAC). This seeks to ensure that development is only permitted where the objectives of the site and its overall integrity will not be compromised.
20. Policy 4 - Protected Species also applies given the presence of otter, and potentially bats, in the area. This explains that development which would have

an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.

21. Policy 34 – Outdoor Access applies which encourages development which improves opportunities for responsible outdoor access whilst more generally Policy 16: Design Standards for new development sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of sustainable design guide.

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. Guidance on Natural Heritage applies here. This guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. Reference is also made in the document to the need for applicants to provide natural heritage information. If adverse effects are found within the assessment it will then be necessary to provide details of mitigation and compensation measures.

CONSULTATIONS

23. **Scottish Natural Heritage (SNH)** note that the River Dulnain is a tributary of the River Spey Special Area for Conservation (SAC) one of the qualifying interests of this SAC is otters and SNH note that an otter survey has been carried out. They note this demonstrates there is no fresh signs of otter here and that whilst the habitat is potentially suitable for otter, it is not considered to be of a high status. They have no objection to the application, but advise that measures be taken to ensure there are no adverse impacts should otter be present including ensuring pipes and voids are not left open during hours of darkness; leaving a clear otter passage under the bridges or scaffolding and adhering to SEPA guidance to ensure no sediment enters the watercourse, and finally no working in or crossing through the river. These conclusions largely mirror the findings of the otter survey and the applicants' construction method statement have addressed these points to the satisfaction of SNH, providing bridge components are painted off site to prevent any potential contamination of the water environment.
24. SNH have considered the submitted bat survey and advise that a method statement and species protection plan should be submitted for agreement to

cover the manner of working to ensure there is no potential to disturb any bats that may be residing in the abutments (e.g. taking down all stonework by hand, and also taking measures to allow for future bat rooting) The applicants have been asked to provide information to address these points.

25. **CNPA Ecology Officer** has considered the application and requested submission of a bat survey following consideration of previous survey information provided to Scottish Natural Heritage at the pre application stage which indicated the need to carry out a bat survey if any works were being carried out to the stone abutments at Dulnain Bridge.
26. **Dulnain Bridge Community Council** has considered the application and have no objections. They have however noted that earlier obligations regarding access and maintenance of stock fencing during the Railway Trust activities have not always been observed. *Note: This comment has been passed onto the applicants for information and it is understood they were to meet with the Community Council to discuss this point.*
27. **Spey Fishery Board** have been consulted and despite reminders have not responded at the time of writing. It is therefore assumed they have no adverse comments to make, with the applicants advising they have contacted the Fisheries Board who advised verbally they would have no interest in the application if there were no in river works proposed.
28. **CNPA's Sustainable Business Programme Manager** has considered the application and noted that it is phase one of a three phase project to complete the steam railway line from Aviemore to Grantown on Spey. When combined with the other two phases it has the potential to impact positively upon the local and wider economy due to increased visitor numbers, both to the steam railway and the communities it serves. It also has potential to improve transport connectivity to the area. The steam railway is already identified in the Boat of Garten Interpretation Strategy as a significant visitor attraction (around 40,000 visitors per year) and its extension should enhance the visitor experience and allow synergies with other recreational activities such as walking and cycling (Speyside Way) and canoeing. Accordingly, in economic development terms the proposal is supported.
29. **CNPA's Outdoor Access Officer** has noted that there is currently little public access taken along this route (other than fishermen) with the Core Path planning process identifying a long term aspiration to extend the riverside path towards the mouth of the River Dulnain. Whilst this presents challenges, it would be unfortunate if the opportunity was not taken to provide crossing facilities. (This is because access rights do not apply to railway lines and as such the new line would present a barrier to those exercising their access rights safely.) It is therefore recommended that pedestrian crossings be provided (by way of stiles rather than gates given the rural location) at the stage when the railway extends further east beyond Dulnain Bridge. This can be attached as an advisory note in the event of consent being granted.

30. **CNPA Landscape Officer** has no comments
31. **Scottish Environment Protection Agency (SEPA)** have considered the proposal in the light of the site lying within the 1 in 200 flood envelope of their indicative river and coastal flooding maps whereby it may be at risk of flooding. They have taken into account that the proposal simply involves replacing a bridge whereby there is no change in flood risk involved. As such they have no objection on flood risk grounds and advise that any storage of materials be outwith the flood plain. They also advise that, given the proximity to a watercourse, a planning condition should be imposed requiring submission of a detailed construction method statement for approval by the Planning Authority in consultation with SEPA before any work starts on site. On this basis they have no objection to the application. As noted in paragraph 5 above a construction method statement has now been submitted. This was the subject of consultation with SEPA who have confirmed they are content with its contents.

Highland Council's Archaeology Team advise that this 1863 railway bridge was designed by Joseph Mitchell and is of local historic interest. Consequently a full photographic record of the bridge must be made before development starts and this will be lodged in the Highland Historic Environment Record. A specification of the type of information required was provided. The applicants have now provided this photographic record direct to the Archaeology Team who have confirmed they are satisfied with the record.

REPRESENTATIONS

32. The application was publicly advertised in the Strathspey Herald and no representations have been received.

APPRAISAL

Principle of Development

33. This proposal essentially seeks to reinstate a bridge over the River Dulnain using existing abutments to support a new decking which comprises a recycled former Network Rail bridge. Coupled with this work is a short extension of the existing railway line from Aviemore to join onto the new bridge. The works are in land use terms entirely appropriate to the existing use, (i.e. former railway line) and represent the first phase of a future wider programme to extend the steam railway line from Aviemore all the way to Grantown on Spey.
34. The principle of this development complies fully with national and local planning policies which seek to support tourism related development, as the proposals will enable the ongoing expansion of a popular visitor attraction within the Park. As noted by the CNPA Business Sustainability manager, this

proposal has considerable potential to enhance the tourism potential of the Park and attract more visitors which is of benefit to the wider economy and services of the Park.

35. The key planning issues to be considered are other impacts upon the qualities and aims of the park. These can be summarised as follows.

Access Issues

36. The proposal will assist in enhancing wider access to the Park by enabling visitors to continue their journey further into the park and may benefit walker and cyclists too, who can join the train. Ultimately the opportunity also exists to promote local journeys between communities using public transport instead of reliance on cars. This fully complies with planning policies on sustainability and transport.
37. There are no other technical land use planning issues associated with the development.

Environmental and Design Issues

38. The design of the new bridge decking is functional. The existing bridge abutments will be reused and thus the original historic character of the bridge will be retained. It is therefore considered that the overall impact will be to enhance the cultural heritage by reinstating a bridge here and allowing more people to see it. As a result the built heritage of the area will be enhanced as required by policy.
39. In terms of environmental impacts the key planning issue is any impacts upon the natural environment here as a result the development and its construction. This is a key matter given the quality of this area, recognised by the environmental designations covering the river Dulnain, with both national and local planning policies seeking to ensure that the natural heritage of the National Park is conserved and enhanced.
40. Whilst the new bridge in itself is unlikely to adversely affect these interests, as it will simply overspan the existing water, there is always potential during the construction phase for damage to be caused to the environment, and to the species which inhabit. In this case this could be through any pollution of the water body, or disturbance to protected species such as otter and bats which may have habitats in the vicinity of the bridge.
41. It is therefore essential to ensure that the method of construction pays full regard to specific advice and guidance provided by the key environmental agencies, SEPA and SNH. The applicants have now provided a detailed construction method statement which is satisfactory to these consultees in respect of general interests. The only outstanding matter is the applicant's response to SNH's consideration of the submitted bat survey, which it is anticipated should be available by the time of the meeting, This should cover the type of construction methods to be employed in order to minimise any

impacts upon bats (see paragraph 24.) This matter can however be dealt with by planning conditions in any event.

42. Finally it is noted that the key consultee here, SNH, consider that the development should not damage the integrity of the River Spey Special Area for Conservation.

Conclusion

43. Overall the application is welcomed as an important first step towards the continued improvement of public access here, as well as enhancing the already popular visitor experience associated with the Strathspey Railway line, and thus securing economic benefits for the wider area. Any potential environmental impacts arising from the construction stage can be protected by appropriate planning conditions, and in the overall circumstances it is considered that this development could readily proceed without damage to the intrinsic environmental qualities of the area. Accordingly approval subject to appropriate conditions is recommended.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

44. The design of the proposed bridge is in keeping with the rural character of the area and will not have any detrimental visual impact with the retention of the stone abutments welcomed as preserving a feature of local heritage and interest. The reinstatement of the bridge, bringing it into useful life again, will also help secure the long term maintenance of the stone abutments. In addition, the development can be constructed in a manner which will conserve the important natural heritage here and this can be adequately controlled by appropriate planning conditions.

Promote Sustainable Use of Natural Resources

45. The applicants will be reinstating and reusing the existing stone abutments and reusing an existing bridge decking. Such works are considered to fully meet this objective as limited new resources will be required to complete this development, instead it will re-use and recycle existing components which is welcomed.

Promote Understanding and Enjoyment of the Area

46. As a first phase of a wider development to extend the Strathspey railway line, the proposed development would enhance access and recreation opportunities in the area by improving public access to the area and enhancing the visitor experience in the National Park.

Promote Sustainable Economic and Social Development of the Area

47. Again as part of the first phase of a wider development to extend the Strathspey railway line the development will promote sustainable economic development by encouraging further visitors into the area, with subsequent economic spin offs for the wider community. In addition there is future potential to allow the route to be used to facilitate access for people to travel to work using public transport. Accordingly the development has considerable potential to promote sustainable economic and social development in the area.

RECOMMENDATION

48. That Members of the Committee support a recommendation to **GRANT** planning permission for the extension of railway track and erection of railway bridge at River Dulnain subject to:

(a) the following planning conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country (Scotland) Planning Act 1997 or as amended by the Planning etc. Scotland Act 2006

2. Unless otherwise agreed with the Cairngorms National Park Authority (CNPA) as Planning Authority no work shall commence on the existing stone abutments or side walls until a method statement and species protection plan has been submitted to and approved by the CNPA in consultation with Scottish Natural Heritage (SNH) to detail the measures to be taken to mitigate any impacts upon bats (as set out in SNH's response of 27 August 2012.) The works shall thereafter be carried out in accordance with these approved details and measures.

Reason: To ensure there is no adverse impact upon the natural heritage of the area and specifically any adverse impact upon bats, in accordance with Local Plan policies

3. Unless otherwise agreed with the Cairngorms National Park Authority as Planning Authority, the bridge hereby approved shall be painted dark grey prior to its installation on the site, with any painting works to take place in the station yard. The stone abutments shall be reinstated using existing natural stone and design following completion of the development.

Reason: In the interests of visual amenity and in accordance with Local Plan policies which seek to ensure the special qualities of the Park area maintained.

4. Unless otherwise agreed with the Cairngorms National Park Authority as Planning Authority all construction works are carried out within during normal working hours, which are defined as 0800 hours to 1800 hours.

Reason: To ensure there is no adverse impact upon the natural heritage of the area and specifically otter, in accordance with Local Plan policies.

5. Unless otherwise agreed with the Cairngorms National Park Authority as Planning Authority the bridge hereby approved shall be fitted with a continuous timber deck before it is brought into use.

Reason: To ensure there is no adverse impact upon the natural heritage of the area and specifically the water environment below, in accordance with Local Plan policies.

6. The construction of the development hereby approved shall be undertaken in accordance with the approved construction method statement unless otherwise agreed in writing by the CNPA acting as Planning Authority. In particular a free passage for otter shall be maintained, no pipes shall be left open during the hours of darkness and there shall be no working in the river.

Reason: To ensure that the development does not have any significant effect on the qualifying interests of the River Spey Special Area of Conservation and in the interests of conserving and enhancing the natural heritage of the area

7. Unless otherwise agreed with the Cairngorms National Park Authority as Planning Authority all contractors' materials shall be stored at Boat of Garten or Aviemore stations prior to use in construction.

Reason: In the interests of visual amenity and in accordance with Local Plan policies which seek to ensure the special qualities of the Park area maintained.

Advisory Notes

1. During the course of construction work if any otters are encountered or should there be any evidence of any otter holts the Cairngorms National Park Authority and SNH should be contacted immediately. (SNH contact number is 01479 810477)

2. The developer's attention is drawn to the comments of the Scottish Environment Protection Agency (SEPA) in respect of general binding rule 6 of the Controlled Activities (Scotland) Regulations 2011 relating to the regulatory requirements to be complied with. Please refer to SEPA's full comments for further information or contact the local office at 28 Perimeter Road, Pinefield, Elgin (Telephone 01343 547663) for more information/advice.

3. Please note that the Cairngorms National Park Authority's Core Path planning process identified a long term aspiration to extend the riverside path towards the mouth of the River Dulnain. It is therefore recommended that when further extension of the railway line eastwards beyond Dulnain Bridge is proposed, the developer should get in touch with the CNPA Access Officers to discuss crossing provision for pedestrians and the provision of stile crossings with warning signs at a location east of the bridge (This is because access rights do not apply to railway lines and as such the new line would present a barrier to those exercising their access rights safely.) Contact number is 01479 873535

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27 August 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.