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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: ROBERT GRANT, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

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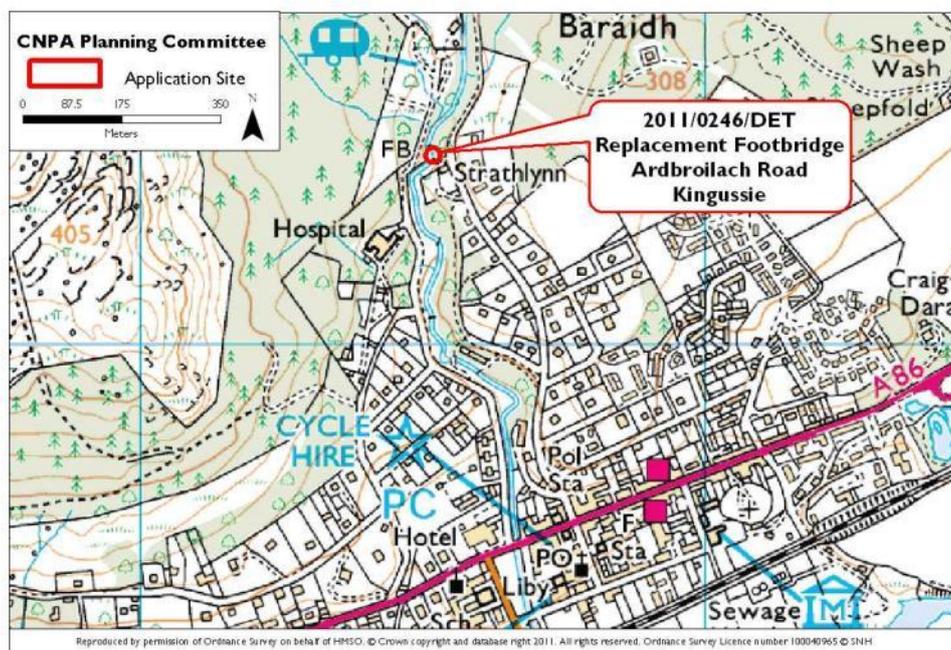
**DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR CONSTRUCTION OF REPLACEMENT FOOTBRIDGE TO LINK TO EXISTING PATHS AT STRATHLYNN, ARDBROILACH ROAD, KINGUSSIE**

**REFERENCE: 2011/0246/DET**

**APPLICANT: KINGUSSIE COMMUNITY DEVELOPMENT COMPANY**

**DATE CALLED-IN: 5 AUGUST 2011**

**RECOMMENDATION: APPROVE WITH CONDITIONS**

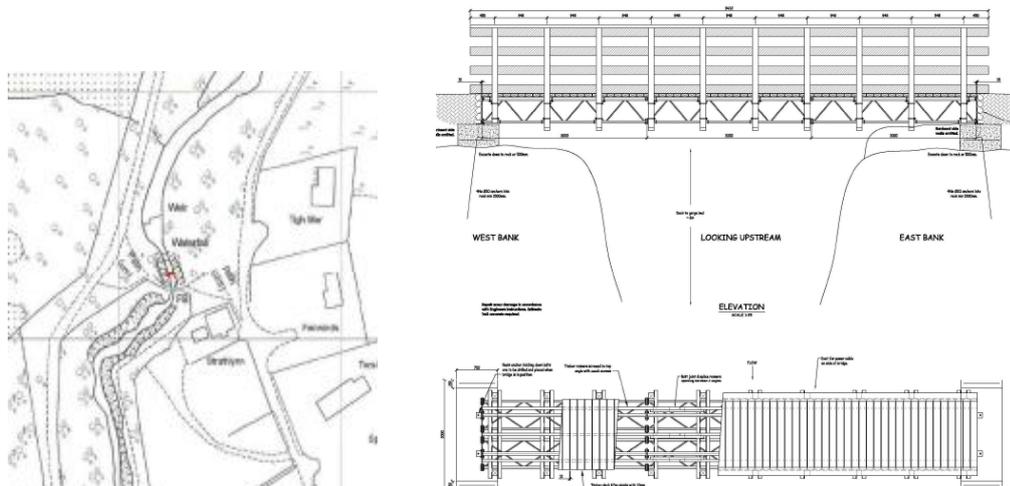


(Grid Ref: 8013 2754)

**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this application for the erection of a replacement footbridge at Strathlynn, Ardbroilach Road Kingussie. The replacement bridge is associated with the restoration of a micro hydro scheme on the Gynack, determined by the CNPA in April 2011 (10/424/CP). The site for this proposal is located approximately 1 kilometre upstream of the point where the main street in Kingussie crosses the burn. The site of the old hydro scheme lies in the Gynack Burn between Gynack Road and Ardbroilach Road. These two roads at Strathlynn are linked over the burn by an existing timber footbridge which forms part of the path network around Kingussie
2. The footbridge proposed in this application is required to span the Gynack Burn replacing the existing bridge (N.B the bridge would be 6m further north than the existing one). The identified site area is within the River Spey Special Area of Conservation. The footbridge would be 2 metres wide and have a span of 9.5 metres. It would be predominantly constructed of timber, including timber deck boards, handrails and posts. Two steel lattice beams would be set on stonework or concrete abutments. The bridge would be 8m above the bed of the burn. In addition a small section of additional path would be formed to tie in with the existing paths.



**Fig. 2 & 3 – Site location plan and elevations**

### Background

3. The application is accompanied by supporting information outlining the construction and environmental protection methods to be undertaken during the course of construction of the replacement bridge. The design ensures that no construction work intrudes on the banks of the Gynack or compromises their integrity. Additional details on the specifications of the footpaths have also been provided.



Fig. 3 – Existing bridge and interpretation (new bridge 6m away)

## DEVELOPMENT PLAN CONTEXT

4. Part 2, Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Highland Structure Plan 2001 and the Cairngorms National Park Local Plan 2010.

### National policy

5. **Scottish Planning Policy<sup>1</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.

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<sup>1</sup> February 2010

6. **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.
7. 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.”
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 Open Space and Physical Activity, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
9. Rural Development: states policies should promote economic activity and diversification in rural areas, encourage the efficient use of land and support opportunities to replace rundown housing and steadings where the new development is designed to fit in the landscape setting. All new development should respond to the specific local character of the location and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. It also emphasises that the Planning System is important for supporting a wide range of economic activity in rural areas, enabling development which supports environmental enhancement and regeneration.
10. Landscape and natural heritage : The **SPP** 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.
11. Flooding and drainage : The **SPP** advocates managing flooding to reduce its social and economic consequences. In determining planning applications, planning authorities are required to take into account the probability of flooding and the risks involved. Prospective developers are also required to take flood risk into account before committing to a site or project.

12. **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.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.<sup>2</sup> Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

### **Strategic Plan**

#### **Cairngorms National Park Plan (2007)**

13. The **Cairngorms National Park Plan** sets out the strategic objectives that provide a long term framework for managing the National Park and working towards a 25 year vision. Under the broad heading of **Conserving and Enhancing the Park**, some of the strategic objectives include maintaining and enhancing the distinctive landscapes of the Park and also ensuring that development compliments the landscape character of the Park. Under the theme of **Living and Working in the Park**, the National Park is recognised as being a national asset and a place of recreation and enjoyment.
14. Under the final theme of **Enjoying and Understanding the Park** there is recognition that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities. The vision for the Park involves developing a world class destination and this requires a sustainable approach to developing tourism, and an excellent quality provision of outdoor access and recreation opportunities.

### **Structure Plan**

#### **Highland Council Structure Plan 2001**

15. 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.
16. The benefits of sport and recreation facilities are highlighted in section 2.5.1 of the Plan, where they are attributed to making an important contribution to sustainable development and enhancing the health and quality of life of the residents of the Highlands.

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<sup>2</sup> Para. 256.

17. **Policy L4 Landscape Character**, states that the Council will in the consideration of development proposals have regard to the desirability of maintaining and enhancing present landscape character.
18. **Policy G2 (Design for Sustainability)** sets out certain criteria against which proposed developments will be assessed. These include the extent to which they demonstrate sensitive siting and high quality design in keeping with the local character and historic and natural environment.

### **Local Plan Policy**

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

19. 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/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>
20. 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.
21. 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.
22. Policy 1 - Natural 2000 Sites: development likely to have a significant effect on a Natura 2000 site is required to the subject of an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where:
  - (a) There are no alternative solutions; and
  - (b) There are imperative reasons of overriding public interest, including those of a social or economic nature.
23. Policy 4 - Protected Species: 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.

24. Policy 6 - Landscape: refers to 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. Development which does not accord with this will only be permitted where the adverse landscape effects are outweighed by social and economic benefits of national importance and where the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
25. Policy 34 – Outdoor Access: encourages development which improves opportunities for responsible outdoor access. Such development is required to be consistent with the Scottish Outdoor Access Code and the Cairngorms National Park Core Paths Plan.

## CONSULTATIONS

26. **Kingussie and Vicinity Community Council** supports this application as the proposal would enhance the existing footpath network.
27. **SEPA** has no objection and confirms that there would be no implications for flood risk given that the bridge deck is 8m above the bed of the burn.
28. **SNH** has no objections and confirms that no qualifying interests - protected species or habitats are likely to be affected by the works. No Appropriate Assessment is required. Conditions are recommended that ensure pollution prevention measures are utilised during construction.

## REPRESENTATIONS

29. This application was advertised in the Badenoch & Strathspey Herald on 3 August 2011. No representations have been received in respect of this application.

## APPRAISAL

30. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

31. The main issues to consider in this application relate to the principle of the development, the nature of the proposal including its construction and any associated implications, particularly on natural heritage and also consideration of its contribution towards access in the area.
32. In terms of the principle of development, there is general support in planning policy contained within the Development Plan. The policies which have been detailed in paragraphs 5 to 24 of this report all generally encourage increased recreational opportunities in the National Park, where they can be reconciled with the need to conserve the natural heritage of an area. It should be recognised that this proposal effectively replaces an existing bridge as part of the scheme to reintroduce hydro-electricity generation on the Gynack.
33. It is considered that when assessing the proposed replacement bridge, its overall construction, including its design and material choice, is appropriate to the character and nature of the location. The impact upon the landscape of the local area would not be unduly impacted.
34. The site is located within an SAC. In terms of Local Plan policy, Policy I (Natura 2000 Sites) is of particular relevance as the proposed footbridge would cross the Gynack Burn, which is part of the River Spey Special Area of Conservation. The impact of the development on this Natura 2000 site has been considered by **Scottish Natural Heritage**. An appropriate assessment was not required. The details contained in the Environmental method statement which was submitted in support of the planning application, are sufficient to demonstrate that work would be undertaken in a manner that would prevent silt or any other pollutants related to or resulting from the development from entering the watercourse. The undertaking of works in accordance with the measures specified in the environmental method statement would not give rise to significant effects on the qualifying interests of the SAC, and an appropriate assessment was not therefore required.

### **Conclusion**

35. The provision of a replacement footbridge at Strathlynn would allow locals and visitors alike to continue to use the popular walks in and around Kingussie and in particular around the Gynack. It is considered that the replacement bridge would provide a safe, modern and robust crossing that would significantly add to the existing footpath network of Kingussie.

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

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

36. Work is proposed to be carried out in accordance with the details contained in the method statement which has been submitted in support of the proposal. The proposals contained in the construction method statement are sufficient to satisfy concerns that the development would not adversely affect natural heritage designations in the area.

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

37. The drawings submitted in this application indicate that locally sourced timber would be used. This aspect promotes the sustainable use of natural resources.

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

38. The development of the footbridge would provide access and recreation opportunities in the area. The development would therefore assist users of the network of paths to further enjoy the special qualities of the area.

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

39. The development of the proposed new footbridge would be undertaken by the Cairngorms Outdoor Access Trust (COAT). The organisation has a tradition employing local people when undertaking projects. Such work helps to raise the profile of the organisation which in a small way contributes to this aim. The improvement to the route may result in more walkers in the area which could have spin-offs for local shops and services.

## **RECOMMENDATION**

40. **That Members of the Planning Committee support a recommendation to GRANT PLANNING PERMISSION for the construction of replacement footbridge to link to existing paths at Strathlynn, Ardbroilach Road, Kingussie, subject to the following 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. The development shall be undertaken in accordance with the environmental method statement submitted in conjunction with the planning application.

**Reason:** to ensure that the development does not have any significant effect on the qualifying interests of the Gynack Burn Special Area of Conservation and in the interests of conserving and enhancing the natural heritage of the area.

3. Upon completion of the replacement footbridge hereby approved, the existing footbridge, abutments and path linkages should be removed in its entirety within a period of 8 weeks.

**Reason:** to ensure that the existing bridge is removed in a timely manner.

4. Prior to the commencement of any development, detail of any replacement interpretation signage and structures should be submitted to the CNPA acting as planning authority for approval.

**Reason:** to ensure that the site is developed in an appropriate and sympathetic manner.

## ADVICE NOTE

### Proposed Hydro Scheme

1. The applicants of the Gynack Community Hydro-scheme are advised that the additional detailed drawings to be submitted regarding the bridge detail as part of the conditions stipulated under planning permission 10/424/CP should recognise this consent and reflect this in any future drawings.

**Robert Grant**

**27 September 2011**

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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.