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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: FULL PLANNING PERMISSION FOR THE CONSTRUCTION OF ALL ABILITIES PATH, REINSTATEMENT OF QUARRY AND A SECTION OF PATH AT DELL WOODS, ABERNETHY FOREST, NETHY BRIDGE.**

**REFERENCE: 09/245/CP**

**APPLICANT: MRS. LIZZIE RICHARDS, SCOTTISH NATURAL HERITAGE, DINGWALL.**

**DATE CALLED-IN: 7<sup>TH</sup> AUGUST 2009**

**RECOMMENDATION : APPROVAL, SUBJECT TO CONDITIONS**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is being sought in this application for the construction of a 270 metre long path, which would be developed to all abilities standards, at a location on the northern edge of Dell Woods within the Abernethy Forest National Nature Reserve. Permission is also sought in this application for the reinstatement of a small quarried area adjacent to an existing path further into the forest, and also the reinstatement of a further section of overgrown path which is located approximately 570 metres further south.
2. The proposed new section of path would commence close to an existing disused mill building (Steel's Mill), close to an area which is used for informal car parking by users of the existing path network. The path would extend north eastwards through the pine forest for 270 metres, at which point it would connect with an existing forest track and would also provide access to an existing section of all abilities path. The new path would be 1.5 metres wide and would also incorporate two passing places, which would be located 95 metres and 183 metres from the start of the path.



Fig. 2 : Start of path



Fig. 3 : Finish of path and link to existing path network

3. **Scottish Natural Heritage**, as the applicant, has provided some background to the proposal for the new path in this area. The Management Plan for the Abernethy National Nature Reserve, which includes the **SNH** owned Dell Woods area, went out to consultation in 2008. At that time the **CNPA** suggested the installation of a path from Steel's Mill to link with the existing all abilities route as a means of avoiding the necessity to use a farm track to access that route. The proposed route also received support from other local interests, including **Nethy Bridge Community Council** and 'Explore Abernethy.' **Scottish Natural Heritage** accepted the suggestion and subsequently allocated funds to complete the work in this financial year (2009 / 2010). The path project has been given high priority by **SNH** due to the health and safety issues inherent in the present arrangement to access the existing all abilities path.
4. The proposed new path would have an imported sub-base with a compacted quarry dust surface. The path margins would be landscaped along the length of the route. The two proposed passing places, each covering an area of

approximately 4 square metres, would have a similar surface finish. Each of the passing places would also incorporate informal block stones or log perches set at varying heights above the path surface, to serve as resting places.



Fig. 4 : Route of the proposed new all abilities path

5. In recognition of the fact that the proposed site is located within a National Nature Reserve with Natura designations, the borrow pit reinstatement works and the reinstatement of an obsolete section of track have been proposed as a means of mitigating the impact of construction on the new route. The new path and associated resting places would have a footprint of 431 square metres. **SNH** has calculated that the reinstatement of the eroding open borrow pit face would result in a habitat gain of 204 square metres, while reinstatement at the opening of the borrow pit would generate a further habitat gain of 154 square metres. The reinstatement of the obsolete section of path is estimated to provide a habitat gain of 134 square metres. The works would collectively provide a net habitat gain of 61 square metres.
6. The existing borrow pit is located approximately 160 metres south of the new path, and lies immediately adjacent to an existing track through the forest, which is known as the King's Road. The eroding open face area of the borrow pit would be re-profiled by pulling in the edges. The re-profiled face would be turfed, using turf excavated from the path line of the new all abilities path.



Figs. 5 and 6 : borrow pit area as viewed from existing track

7. The proposed reinstatement of an obsolete section of track is in an area approximately 570 metres south of the borrow pit. It is close to an existing resting area in which a picnic bench and interpretation signage is located. The line of the obsolete track remains evident on the ground and it is proposed to reinstate it over a 107 metre section. It is proposed to blanket turf the track surface for 40 metres, while the remaining 67 metres would be spot turfed to provide 50% coverage over the track surface. The track reinstatement works would end at the burn. Although there is a track evident on the far side of the burn there is no formal crossing place, nor does the development proposal include the provision of any crossing point.
8. **Scottish Natural Heritage** has confirmed in supporting information that work would take place outside the capercallie peak breeding season, which runs from late April to the end of September, and also outside the Scottish crossbill peak breeding season, from mid March to June inclusive. **SNH** has indicated that work is likely to commence in the near future in the event of the granting of planning permission, in order to utilise the funds which have been allocated to the project for this financial year.



Fig. 7 : obsolete track



Fig. 8 : end of area of proposed reinstatement

## DEVELOPMENT PLAN CONTEXT

### National Policy

9. **NPPG 14** on **Natural Heritage** strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, para. 33 states that “while conservation of the natural heritage will be a key objective in any National Park, the Government considers that due weight must also be given to the social and economic interests of local communities.”
10. Under a section entitled **Enjoyment and Understanding of Natural Heritage** **NPPG 14** acknowledges that “the natural heritage is enjoyed both for its intrinsic value and as a setting for open air recreational and educational activities which depend on its qualities.” The benefits of natural heritage linked to open air recreation are recognised in the form of economic benefits

to rural communities due to visitors being attracted to an area, as well as indirect benefits to the nation in terms of health and quality of life. Para. 22 of the Planning Guidance advises that Planning Authorities should seek to identify opportunities for promoting the enjoyment and understanding of the natural heritage which are compatible with its conservation.<sup>1</sup>

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

- I1. One of the strategic themes of the **Highland Council Structure Plan** is 'adopting a proactive approach to the wise use of the natural environment.' The environment is recognised as a key strength of the Highlands and the Plan acknowledges that it makes economic sense to promote good stewardship of the natural environment. The Plan suggests that there is huge potential to maximise economic opportunities through supporting better interpretation and investment in public access, amongst other things.
- I2. Section 2.5.10 of the Plan concentrates on the subject of informal recreation and access, noting that it is of very high importance, underpinning a range of recreational pastimes and their associated quality of life benefits, as well as being a key component of the tourism industry. The Plan however recognises that increasing demands for access necessitate the achievement of a balance between accommodating the needs of countryside users and protecting the fragility of the Highland countryside. Section 2.5.13 of the Plan notes that the "protection of rights of way and provision of an integrated system of well maintained and signposted paths catering for walking, cycling and equestrian use are a valuable resource for local communities and visitors, both in terms of providing access and heightening appreciation of the wider environment.
- I3. The **Highland Structure Plan** also includes a number of detailed policies on Tourism which are pertinent to the development proposal. Section 2.7.1 of the Plan describes tourism as a vital element of the Highland economy, and notes that opportunities to participate in outdoor pursuits are amongst key visitor attractions. The Structure Plan strategy aims to build on the Highland identity and take a proactive approach to the wise use of the natural environment as a primary resource for tourism. Section 2.7.1 also highlights the fact that community needs should also be considered in order to ensure that facilities and opportunities are provided which serve the needs of both visitors and local residents.

### **Badenoch and Strathspey Local Plan (1997)**

- I4. The **Local Plan** details a number of pertinent conservation objectives and states that the priority is to promote sustainable development of the areas' resources and ensure an acceptable balance between economic growth and safeguards for the outstanding heritage. The conservation strategy advocated for the countryside includes provision being made for the restoration and

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<sup>1</sup> Guidance on this has been prepared by Scottish Natural Heritage - *Countryside Recreation and Access Strategies : Guidance for Local Authorities (1997)*.

expansion of the core Caledonian Forest, and the upgrading of facilities for recreation, tourism, interpretation and education / research in more robust locations. In particular, multiple use of forest areas is encouraged.

15. The northern area of the proposed site in which the new path is proposed is included within the Nethy Bridge settlement map. The land is identified in the Local Plan as being part of the National Nature Reserve and within a Site of Special Scientific Interest. Section 4.5.5 of the Local Plan, entitled 'Settlement Edges' applies to this area. The Plan states that "land adjoining Nethybridge which is important to the community's setting, nature conservation or the rural economy and not allocated for specific purposes, will be safeguarded from sporadic development. This includes Abernethy Forest SSSI and Dell Woods NNR." Section 4.5.6 states that it is the Council's objective to retain the treed character and setting of Nethybridge and that community involvement in maintaining and creating recreational access into woodland areas in future will be encouraged.

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

16. The Strategic Objectives that provide a long term framework for managing the National Park are set out in the **Cairngorms National Park Plan** under three broad headings – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park. In terms of conserving and enhancing the Park, section 5.1.2 refers specifically to natural and cultural heritage, particularly landscape and the built and historic environment. The Plan advises that all new development and management of the landscapes and settlements within the Park should be based on a sound understanding of the natural and cultural heritage of the area. Strategic objectives for landscape, built and historic environment include ensuring that development complements and enhances the landscape character of the Park.
17. In relation to the broad heading of 'enjoying and understanding the Park', the Plan alludes to the fact that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities and that visitors come from many different places, with different interests and varying levels of knowledge about the area. The Plan acknowledges that the experiences of residents and visitors enjoying the National Park should be of the highest quality. On the theme of enjoying and understanding the Park, section 5.3.3 of the Plan deals with outdoor access and recreation. Strategic objectives of relevance to the current proposal include encouraging people of all ages and abilities to enjoy and experience the outdoor environment; the promotion of high standards of responsible enjoyment of the Park so that its special qualities are understood and appreciated; protecting the more fragile areas of the Park from pressures arising from outdoor access and recreation; and developing a high standard of responsible management of outdoor access based on a common understanding of the needs of access managers and users.

## CONSULTATIONS

17. The proposal has been considered by **Nethy Bridge and Vicinity Community Council** and it has been confirmed that they have no objection.
18. As the application involves works at a former area of extraction **SEPA** were consulted on the proposal. There is no objection to the proposal. General comments have been made on flood risk and also the need for certain works<sup>2</sup> to be authorised under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).
19. The voluntary group **Inclusive Cairngorm** were consulted on the proposal. No response has been received to date. Members will be verbally updated at the meeting in the event of receipt of a response.
20. The CNPA's **Visitor Services and Recreation Group** welcome the proposed provision of a new path in the area, noting in their response that the path will cater for a range of activities and all abilities. The path width identified, as well as the proposed cross fall, gradient and provision of passing places are all acceptable and compliant with best practise. The **Visitor Services and Recreation Group** advises that disturbance to the existing path network should be kept to a minimum during construction and that appropriate signage is put in place.
21. The landscape and ecology impacts of the proposed development have been considered by the CNPA's **Heritage and Land Management Group** and there is no objection to the proposal. In terms of the landscape impact, **HLM** comment that Dell Woods is part of an extensive area of woodland that provides a well established and consistent visual backdrop to the settlement of Nethy Bridge. The woodland is well used for local and tourist based recreation, with access provision resulting in opportunities for visitors and residents to experience some of the special qualities of the area. It is accepted that the proposed new footpath would not be visible from outwith the woodland itself. The landscape officer considers that the route of the new path and the construction specification may be sensitive to the prevailing character of the woodland but is satisfied that after a 'period of healing' there are unlikely to be any residual landscape impacts.
22. The **Heritage and Land Management Group** has no objection to the proposal from an ecological perspective. The ecology officer makes reference to the fact that **Scottish Natural Heritage** has already undertaken an appraisal of the likely effect of constructing the path in Dell Wood as part of the preparation of the planning application. The appraisal has considered all relevant aspects and no further surveys are required. The mitigation specified by **SNH** is also considered appropriate and acceptable.

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<sup>2</sup> The regulations control discharges to watercourses and groundwater and also cover abstractions, impoundments and engineering works within and in the vicinity of inland surface waters.

## REPRESENTATIONS

23. No representations have been received in respect of the proposed development.

## APPRAISAL

24. The main issues to consider in this application relate to the principle of the development, the nature of the proposal including its construction and the associated implications, and also consideration of its contribution towards the provision of access in the area.
25. The principle of the development is acceptable in planning policy terms. Although the new path is proposed in an area which is the subject of several natural heritage designations<sup>3</sup> the proposed works are relatively limited and small scale and would not impact on the integrity of the natural heritage of the area. In the course of devising the proposal, **Scottish Natural Heritage** as the applicants undertook an appraisal of Natura interests. While it is accepted that the development proposal would have an effect on the Caledonian pinewood, which is one of the interests of the Special Area of Conservation, **SNH** are satisfied that the loss of 431 square metres of field layer component of the Caledonian pinewood would be sufficiently mitigated by the reinstatement of the borrow pit face and the path at the end of the King's Road. As detailed in paragraph 5 there would be a net gain of Caledonian pinewood habitat and the conservation objectives for this habitat would not therefore be affected.
26. Other natural heritage aspects which were considered by **SNH** in the assessment included the Special Protection Area interests of capercallie and Scottish crossbill. Capercallie are known to lek and rear young in the woodland to the south of the proposed sites. Given the location of the proposed new path at the northern end of the King's Road it would not affect capercallie. In addition, the reinstatement of the section of the path at the south end of the King's Road would benefit this species by reducing potential human disturbance into sensitive areas which sometimes arises due to the absence of a sufficient path network through the area. The proposals are not considered to have any significant effects on Scottish crossbill, as the path works would not require the felling of any large 'granny' trees, in which Scottish crossbill are known to feed on pine cones and where they primarily locate their nests on the outer parts of well branched pine trees. In addition, the species is not noted as being particularly sensitive to human disturbance and **SNH** is satisfied that the development would not have a significant effect.
27. The provision of the new section of all abilities path would increase the extent of the path network in the area, and one of the most significant user

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<sup>3</sup> Ancient Woodland Inventory, Semi Natural Ancient Woodland Inventory, Abernethy and Abernethy Forest National Nature Reserve, Cairngorms Special Area of Conservation, Abernethy Forest Special Protection Area and Abernethy Forest Site of Special Scientific Interest.



benefits would be the fact that it would circumvent the need to utilise a busy farm track to access an existing section of all abilities path. The path would be usable by a wider variety of groups and the provision of passing places, with associated low key resting areas, is also a welcome feature on the path.

28. In conclusion, the overall proposal represents the opportunity to provide enhanced access to the rural area, and the all abilities aspect is therefore to be particularly welcomed. It would provide the general public with increased opportunities to access this area and therefore gain a greater insight into the special qualities of this area of the National Park.

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

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

29. The proposal would not have any significant effect on species or habitats in the designated sites of European or national interest. The overall development would result in a net gain of Caledonian pinewood habitat.

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

30. The reinstatement of the borrow pit area and the section of obsolete path would involve the use of turf stripped from the line of the proposed new path.

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

31. The proposed development would provide improved all abilities access provision in the area and would eradicate the need to use a busy farm track to access an existing all abilities path in the area. The reinstatement of a further section of obsolete path would also add to the recreation opportunities in the area.

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

32. The all abilities path represents an improvement to the network of paths in the area and may result in an increased number of users which could have spin-offs for existing facilities and services in the Nethy Bridge area.

## **RECOMMENDATION**

That Members of the Committee support a recommendation to :

**Grant Planning Permission for the construction of an all abilities path, reinstatement of quarry and reinstatement of a section of path at Dell Woods, Abernethy Forest, Nethy Bridge, 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 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to the commencement of development details of the extent of all temporary warning signage, including its contents and the identification of signage locations, shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority. The signage shall be erected thereafter in accordance with the agreed proposals and shall remain in place for the duration of construction activities.

**Reason :** in the interests of ensuring that adequate warning is provided in advance of construction activities and in the interests of the general safety of users of the area.

3. No works shall be undertaken during the recognised Capercallie peak breeding season (April to September inclusive) or the Scottish crossbill peak breeding season (mid March to June inclusive) unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

**Reason :** in the interests of conserving the natural heritage of the area.

**Advice notes :**

- (a) The new footpath shall be constructed in accordance with the standards for All Abilities paths as set out in the 'BT Countryside for All, Good Practise Guide.'
- (b) Advertising consent shall be sought for any permanent signage associated with this development.
- (c) The applicant is advised to consult SEPA prior to commencing any works on the site.

**Mary Grier**  
**8th October 2009**  
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