
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

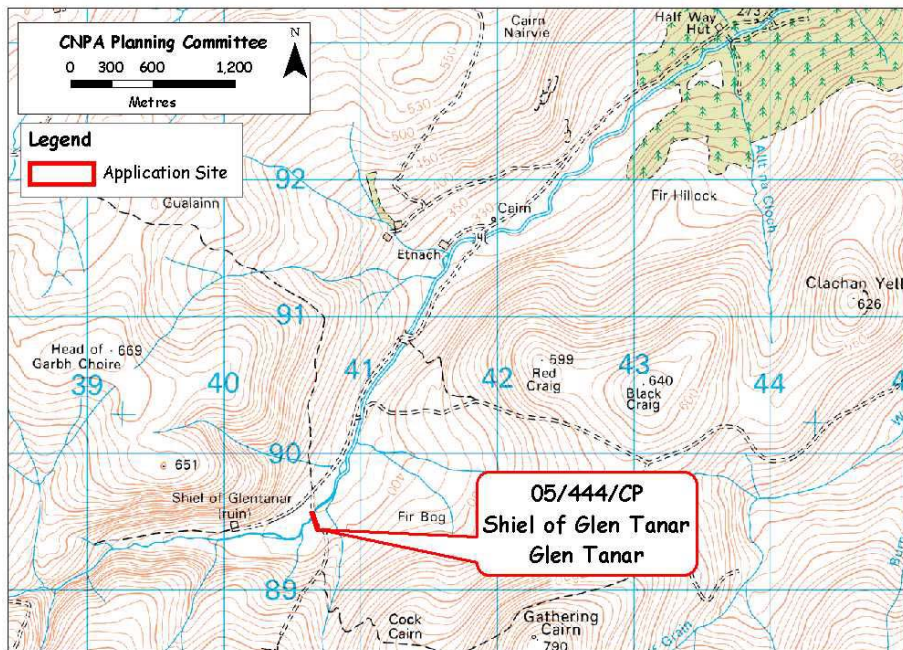
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(DEVELOPMENT CONTROL)

DEVELOPMENT: CONSTRUCTION OF REPLACEMENT FOOTBRIDGE, SHIEL OF GLEN TANAR, GLEN TANAR, ABOYNE

REFERENCE: 05/444/CP

APPLICANT: UPPER DEESIDE ACCESS TRUST (UDAT), UNIT 1 ABOYNE CASTLE

DATE CALLED-IN: 21 OCTOBER 2005



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Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located in the upper reaches of Glen Tanar just short of where a landrover track crosses the River Tanar at an area of flat ground. The track is part of an old drove Road from Deecastle in the north to Invermark in Glen Esk. The site is close to the remains of what was once a public house and there is evidence of buildings and an area of ground that was at one time subject to improvement.



Fig 2 Photomontage of proposed bridge

2. The proposed bridge is on the same site as a previous bridge which was removed by the estate some time ago. The form of construction was not robust enough and eventually became unsafe after damage from a river spate. There is still some evidence of the former bridge on the east bank of the river.
3. A full background statement is attached at the back of this report to justify the proposal. The main point is the importance of access for the public using traditional routes across country. The site is relatively remote and given poor weather the burn could well become difficult to cross.
4. The bridge would be single span with a pronounced camber supported by buried in situ concrete abutments with the adjacent ground ramped to ensure that the bridge has the appearance of rising out of the ground and arching across the river. The span is 16 metres in total and the abutments are set back 2 metres from the watercourse. The parapets and hand rails

are to be constructed out of locally grown timber with a natural finish. The steel spine beam will be a matt dark colour such as graphite grey to reduce visual impact, steelwork including grills for the decks are being galvanised and painted off-site in a workshop to reduce the potential for pollution incidents at the site.

5. There has been some discussion of groynes being constructed in the river just upstream of the site to defend it from erosion. However, the latest information is that this does not form part of the current proposal and there is no intention, or need to construct any groynes at this stage.

DEVELOPMENT PLAN CONTEXT

6. The site lies within the River Dee **Special Area of Conservation (SAC)**,
7. For the SAC, the River Dee is considered to have important populations of fresh water pearl mussels, Atlantic salmon and otter. Where an authority concludes that a development proposal unconnected with the nature conservation management of a Natura 2000 site is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the designated conservation interests. This assessment may necessarily extend outwith the boundary of the site in order to determine any implications for the interests protected. This is in terms of the relevant Regulations (**the Conservation (Natural Habitats) Regulations, 1994**), where the Cairngorms National Park Authority (as the competent authority) has a duty to,
 - (a) determine whether the proposal is directly connected with or necessary to site management for nature conservation; and if not,
 - (b) determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
 - (c) make an appropriate assessment of the implication for the site in view of the site's conservation objectives.
8. In the **Aberdeen and Aberdeenshire Structure Plan 2001-2016 (North East Scotland Together, NEST)** Policy 19 states that development which would have an adverse effect on a Natura 2000 or Ramsar site will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social, environmental or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, prior consultation with the European Commission (through Scottish Natural Heritage) is required unless the development is necessary for overriding public health or safety reasons.

9. In the **Finalised Aberdeenshire Local Plan** the main policy that covers this location is Policy Env\1 (International Nature Conservation Sites) where development that would have an adverse effect on a Natura 2000 or a Ramsar site will be refused unless the developer proves:
 - (a) there are imperative reasons of overriding national interest, including those of a social, environmental or economic nature;
 - (b) the objectives of the designation and overall integrity of the area will not be compromised; AND
 - (c) there is no alternative site for the development.
10. Where development is allowed which could affect any of these designated sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the site's ecological, geological and geomorphological interest. Policy Env\5 provides protection to NSAs, only permitting a new development where its scale, location or design does not detract from the quality or character of the landscape, either in part or as a whole. In all cases the highest standards of design will be required.
11. For information the **CNPA Draft Local Plan** zones the area of the application as a **General Policy 2 Area**. This policy considers that development will only be permitted where it is demonstrated that there is no alternative and; the aims of the National Park or objectives of designation and the overall integrity of the areas, features or interests will not be compromised; or any adverse effects on the special qualities of the National Park or qualities for which the area, feature or interest has been designated or identified, or amenity or public health are clearly outweighed by social or economic benefits of national importance and are mitigated to provide features or interests of equal importance to those that are lost.

CONSULTATIONS

12. **Scottish Natural Heritage** objected to the proposal as originally submitted as the excavations for the foundations could have a significant adverse impact on Atlantic salmon from sediment run-off resulting in the need for an appropriate assessment. SNH requested a method statement to deal with the issue of excavation and sediment run-off.
13. In relation to freshwater pearl mussel the braided river environment present on this section of the Tanar is an unsuitable habitat for freshwater pearl mussels. Therefore, SNH considers that the proposal is not likely to have a significant impact upon the species.
14. Otters are known to use all watercourses in the Dee catchment. The site has been checked for otter and there are no signs of any holts or resting places. SNH considers the proposal is not likely to have a significant impact on otter. A condition is required to ensure that if any signs of otter

are found during construction, work is stopped immediately and SNH contacted for further advice.

15. SNH has consulted with UDAT regarding the justification for replacing the footbridge at this location. We note the outcome of UDAT's consultation prior to the launch of the Eastern Cairngorms Access Project (ECAP), in which a number of stakeholders supported the replacement of the footbridge. SNH has also considered the potential impact on wild land and the special landscape qualities associated with the Cairngorms National Park. Based on the following two considerations it would appear that the proposal is located near to land that can be described as wild land, but not within it: 1. the proposed bridge is located next to a landrover track. 2. The proposed bridge is at an altitude of 380 metres which is below the 400 metre threshold for wild land proposed in the Cairngorms National Park Local Plan (Consultative Draft 2005).
16. SNH has consulted with UDAT regarding landscape and visual impacts associated with the proposal. SNH agrees with UDAT that the proposal will have less landscape and visual impacts than the alternative options (e.g. footpath on south bank of Tanar, or footbridge across Tanar in alternative location) Based on the results of the ECAP consultation and consideration of wild land issues, it would seem reasonable to replace the footbridge at this location.
17. A construction method statement has been submitted by the applicants, and SNH consulted. SNH have reviewed their position. SNH object to the proposal only if the following conditions are not applied. 1. All construction work adheres to the submitted method statement. 2. If any signs of otter are found construction stops and SNH contacted for further advice.
18. **SEPA** requests that a detailed construction method statement is submitted by condition covering a range of issues including measures to prevent surface water run-off during construction, waste streams associated with the works to be identified, machinery access in or near watercourse, landscaping and timing of works to avoid periods of high rainfall.
19. **Aberdeenshire Council Environmental Planner (Natural Heritage)** considers the bridge to be a relatively light structure designed and sited to achieve minimal intrusion environmentally and visually in this sensitive area. The Natural Heritage Team has no adverse comments. **Aberdeenshire Council Principal Engineer (Flood Prevention and Coast Protection)** has considered the proposals and has no comment.
20. **The CNPA Visitor Services and Recreation Group** consider the siting of the bridge merits some deliberation in that it is proposed to be located in a relatively remote area of country which contains some important wild-land qualities. However, a bridge has existed here previously and two other bridges are sited slightly further back down the glen (one in a similarly 'open' landscape) which lends a historical justification to the proposal. There has been a high level of access in the area as a result of the route

being used as a drove road, and this use has continued recreationally through its promotion as a significant 'traditional' walking and cycling route on Deeside.

21. In addition, the structure of the bridge blends in well with the environment in the area as it is constructed in a gently curving arc and rises low out of the ground. Having spoken to the UDAT Project Manager we note that the finished product will actually appear more 'rustic' than the computer simulated picture indicates, as the timbers will be made from rough cut larch or pine in a single top span. The bridge gives good access for walkers and is bike friendly as well. Experience suggests that horse riders are generally more comfortable avoiding bridges, and will prefer to use the old ford just upstream which was historically used by the drovers
22. Overall VSRG supports the application and commends Upper Deeside Access Trust on a sympathetic yet functional design.

REPRESENTATIONS

23. No representations have been received.

APPRAISAL

24. The main issues to be considered for this application, are firstly, the principle of erecting a new structure in this location over a river designated as a SAC and secondly the details of design and the physical construction of the proposal.
25. The site is located within a relatively remote location on the route of an old drove road from Deeside to Glen Esk. Despite the relative remoteness of the location the proposed bridge is on the line of a popular walking route up Mount Keen as well as being a longer distance route recognised by the Scottish Rights of Way Society. As pointed out by the supporting statement a bridge was on this site for a number of years but had to be removed by the estate when it became damaged during spate conditions on the river. It is also important to note that the site is close to shielings that are still evidenced on the ground as well as an area that appears to have been improved pasture at one time.
26. In policy terms SNH consider that the site may be close to what can be considered as wild land but would not be considered as wild land in itself. In connection with this SNH note that the site is below the 400 metre contour proposal set for General Policy 2 of the CNPA Local plan (Draft for Consultation). Given the above I am content with the principle of a bridge at this location providing the natural heritage of the area can be adequately protected. The Park's own VSRG Group have been consulted on the

proposal and note that the location of the bridge merits deliberation. However, VSRG are supportive of the application and commends the applicant's on a functional and sympathetic design.

27. The river is designated as a SAC and Scottish Natural Heritage have provided detailed comments with regard to the key natural heritage interests at the site these include Atlantic Salmon, Freshwater Pearl Mussels and Otter. With regard to Salmon SNH initially objected to the proposal considering that run-off from the proposal could result in sedimentation that would have a detrimental effect upon Salmon and Salmonids (resulting in the need for an appropriate assessment). SNH requested a construction method statement be supplied before the application is determined and found this method statement acceptable. With regard to Freshwater Pearl Mussels SNH note that this section of the Tanar is an unsuitable habitat for the mussels. With regard to Otters SNH note that the area has been checked for signs of holts and resting places. However, none were found. Ultimately, SNH has no objection to the scheme, providing that the bridge is constructed in accordance with the method statement and that if any signs of otter are found during construction work should stop immediately and SNH contacted for advice. These two issues are covered by conditions at the end of the report.
28. As noted this site is a relatively remote location so the introduction of new man made structures should be handled sympathetically. The bridge is designed along similar principles to two previously approved in the Braemar area by the planning committee. The design is similar in that it utilises the minimum of works to the embankment. A shallow arched structure is proposed so that natural strength is gained from the shape of the bridge. This results in no need to provide piers in the river bed and no significant work being required on the embankments as the foundations at each end of the bridge will be set back 2 metres from the edge of the embankment. This results in the minimum disturbance to the river and its immediate environs, the light self reinforcing nature of the structure helps to reduce any landscape impact. When travelling up the Glen the bridge would be viewed against the imposing flanks of Mount Keen and when viewed from the track descending the mountain the bridge would be viewed in the context of a wide glen bottom and be seen next to the existing landrover track through the glen which is much more prominent from surrounding hillsides.
29. In terms of materials the footplate of the bridge will be steel mesh decking set on a tubular steel spine beam, both elements would be painted in a subdued colour such as graphite grey to blend in with the wider landscape. The parapets and handrails for the bridge will be constructed in locally sourced larch which will not be colour treated, again helping to blend in with the deeply rural nature of the site.
30. Care must be taken that the interests of the SAC and general surroundings of the site are protected during construction the method statement provided taken together with the background statement show how the

banks of the river will be protected, any concrete will not be batched on the site and painting will be done in the workshop, although a limited amount of 'touching up' may be required when the bridge has been placed in position. Two areas mentioned by SEPA and not covered by the submitted method statement are addressed by condition No 4.

31. Overall, I consider the proposal to be acceptable in terms of planning policy and also consider that it would contribute positively to the aims of the Park. I would also commend the applicant on the detailed level of information provided with this application which has enabled a relatively timeous assessment and report to the Planning Committee.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

32. The detailed consultation with SNH together with an assessment of the proposal on site means that the designated conservation interest of the Tanar will be protected in the construction of the footbridge. In terms of landscape the structure proposed is a relatively small structure set in and against a landscape of considerable scale. In cultural heritage terms there has been a bridge at this site which is a traditional crossing point of the river for the drove road route. The bridge is of a good design and in my view would contribute positively to the cultural heritage and the history of change in the area. There are remains of shielings in the area and to protect this cultural heritage aspect these remains will be taped off to ensure that no disturbance occurs during assembly of the bridge.

Promote Sustainable Use of Natural Resources

33. It is not clear where all the material will be sourced from, but the timber elements could be sourced locally. The steel elements will have to be manufactured elsewhere.

Promote Understanding and Enjoyment of the Area

34. The bridge would ease the crossing of the Tanar on what is a popular route for walkers so would contribute to the enjoyment of walkers in the area.

Promote Sustainable Economic and Social Development of the Area

35. The bridge is a project undertaken by the Upper Deeside Access Trust so at a project level employs local people through an organisation that is well

known on Deeside. Such work helps to raise the profile of the organisation which in a small way contributes to this aim. The contractors for the work are not known but at some level the work is likely to involve local estate staff in managing the site if not directly in the construction of the bridge. The improvement to the route may result in more walkers in the area which could have spin-offs for local shops and services.

RECOMMENDATION

36. That Members of the Committee support a recommendation to: **GRANT Full Planning Permission** for the erection of a footbridge at Shiel of Glen Tanar, Glen Tanar, Aboyne subject to the following conditions:-

1. The development to which this permission relates must be begun within 5 years from the date of this permission.
2. Prior to the erection of the footbridge on the site a maintenance agreement for the bridge shall be submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The bridge shall be maintained in accordance with that agreement unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.
3. The bridge hereby approved shall be constructed strictly in accordance with the submitted method statement unless otherwise agreed in writing by the CNPA acting as Planning Authority in consultation with SNH and SEPA.
4. Construction method statement to address details required by SEPA not covered in submitted method statement shall be submitted to and approved in writing by the CNPA acting as Planning Authority in consultation with SEPA prior to the commencement of the development hereby approved. The two areas to be covered by the statement are 1. identification of all waste streams associated with works. 2. landscaping/reinstatement immediately around the bridge.
5. Final details of all colourings for materials for the bridge shall be submitted to and approved by the Cairngorms National Park Authority acting as planning authority prior to the commencement of the development hereby approved. Development shall be implemented in accordance with the agreed colour details.
6. Should any evidence of otters be found at the site during construction all works shall cease immediately and CNPA and SNH contacted for further advice.

7. All archaeological remains in the vicinity of the bridge shall be taped off for the duration of the construction works.

Andrew Tait

7 December 2005

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