
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: MARY GRIER (SENIOR PLANNING OFFICER, DEVELOPMENT MANAGEMENT)

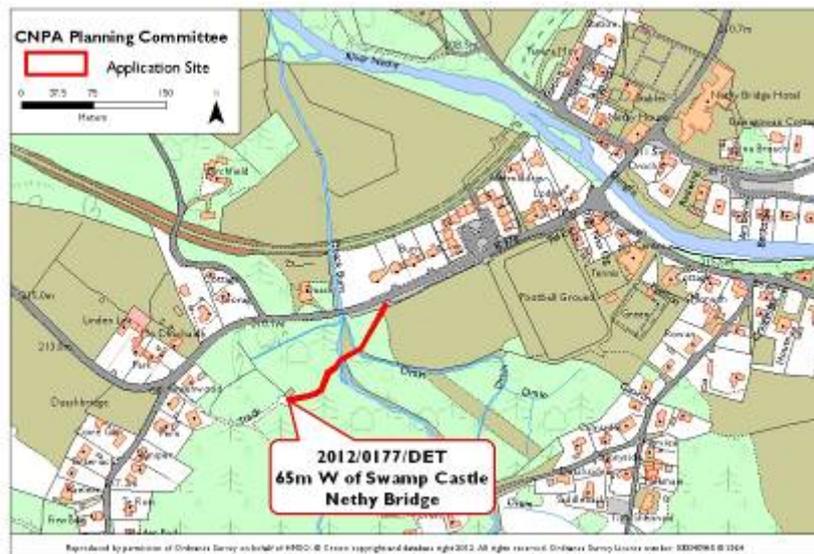
DEVELOPMENT PROPOSED: CONSTRUCTION OF A PEDESTRIAN FOOTBRIDGE AND ASSOCIATED ACCESS DUCKBOARD PATH ACROSS THE DUACK BURN AND AN ADJOINING 80M PATH, ON LAND SOUTH WEST OF SWAMP CASTLE, NETHY BRIDGE

REFERENCE: 2012/0177/DET

APPLICANT: MR. SANDY MCCOOK, ON BEHALF OF NETHY BRIDGE COMMUNITY COUNCIL

DATE CALLED-IN: 8 JUNE 2012

RECOMMENDATION : APPROVE WITH CONDITIONS



Grid reference : 299827 820423

Fig. I - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Nethy Bridge Community Council is seeking planning permission for the development of a footbridge and associated path in the vicinity of the Duack Burn in the western area of Nethy Bridge. The main objective of the proposed project is to provide a safe pedestrian route away from the public road where there is an existing narrow pinch point over the road bridge on the B970 and the absence of a footpath. The development consists of number of elements – a timber boardwalk, a 4 metre long bridge to cross a small ditch, a 14.7 metre access ramp, a 7 metre span bridge across the Duack burn¹ and an 80 metre section of path which would meander through a pine woodland and would link the new bridge with an existing track on the western side of the site.

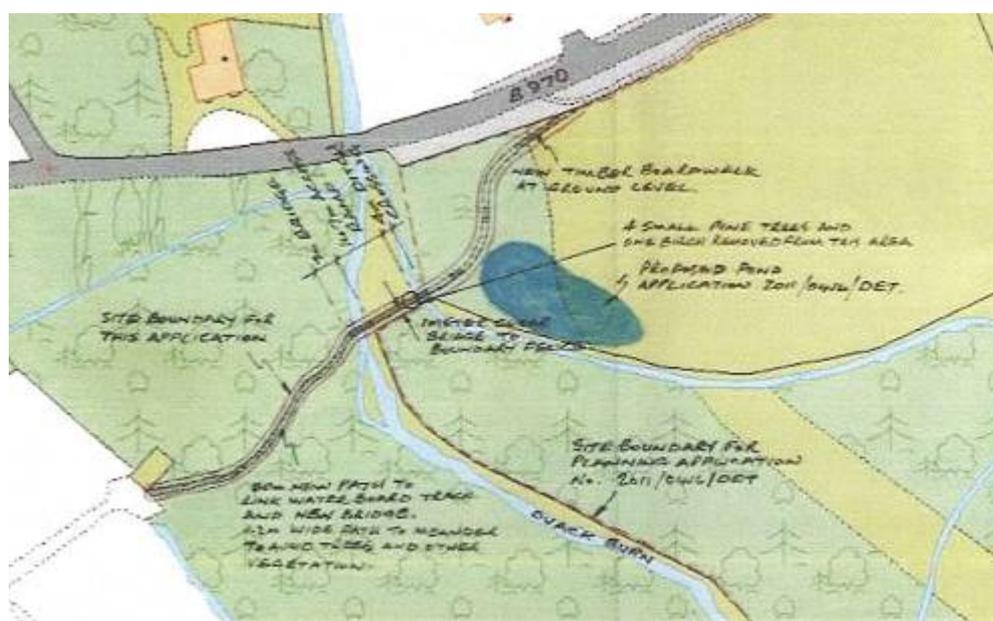


Fig. 2 : Proposed site plan

2. The subject site is located to the west of the existing community football pitch and games field. The identified site boundaries are confined to the extent of the proposed path and the width of the 7 metre corridor within which the work would be undertaken. The land on which the boardwalk is proposed is generally open and wet, and then becomes wooded in the vicinity of the proposed bridge crossings and in the area in which the 80 metre section of new path is proposed. The north eastern (starting) point of the boardwalk would commence adjacent to the end of the existing pedestrian path which leads westwards from the village core. It is at this point that users must currently exit onto the roadside to continue their route. This involves using the existing somewhat narrow roadbridge alongside vehicles.
3. The 1.8 metre wide boardwalk would be marginally raised above ground level and would take a slightly curved route across the wetland area, in a north easterly to south westerly direction. The boardwalk would be constructed in accordance with Scottish Natural Heritage specifications for raised boardwalks, as detailed in SNH's 'Countryside Access Design Guide.' The raised boardwalk

¹ The Duack Burn is part of the River Spey Special Area of Conservation.

metres wide, of raised aggregate construction. Construction techniques would involve the excavation of a tray depth of approximately 150mm. The top layer of the path would be imported quarry grey granite. The path edge would be stabilised and the path shoulders would be built up using the previously excavated topsoil and turfs. The path construction would not necessitate any tree felling in the vicinity.



Fig. 7 : Approximate position of proposed bridge crossing the Duack burn

Site history

- The currently proposed development is on land on which the CNPA granted planning permission in March 2012 for the development of all-abilities footpaths, a pond and various associated works in the woodland areas (CNPA planning ref. no. 2011/0416/DET refers). Nethy Bridge Community Council was also the applicant in that instance. The development is generally referred to as the 'Woodland Project.' It has been confirmed on behalf of the applicants that the project still remains the aims of the Community Council. The current proposal is not intended to supersede this and is described as sitting 'hand in glove' with the Woodland Project, with both being seamless once completed. The Community Council had originally intended that the Woodland Project and the current proposal would be undertaken as one development. However, funding issues with the former have resulted in this becoming a longer term aim and the currently proposed bridge and path access is now being prioritised instead. The applicants intend to commence development work prior to the coming winter period, subject to receiving planning consent.

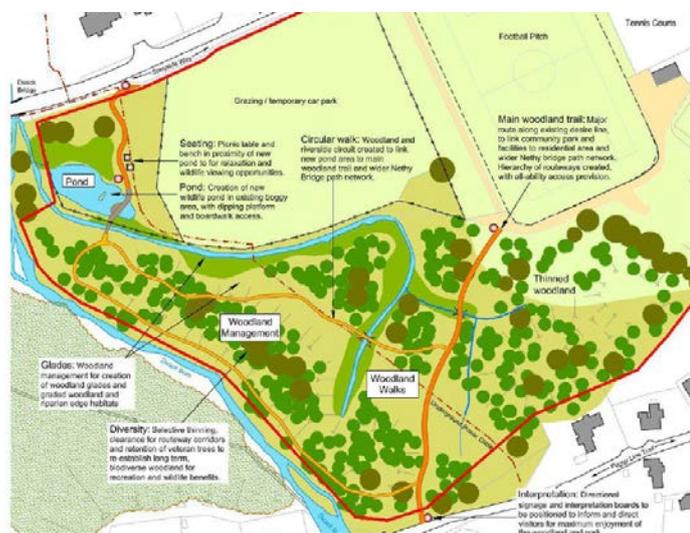


Fig. 8 : Previously approved 'Woodland Project'

7. The applicants acknowledge that the previously approved Woodland Project included a series of paths. They are keen to ensure that there is not an excessive proliferation of paths in the area and have indicated that this would be avoided by potentially seeking a non material variation to amend minor aspects of the approved development.

DEVELOPMENT PLAN CONTEXT

National policy

8. **Scottish Planning Policy³ (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 shouldallow 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.
9. **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.
10. 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."
11. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes 'subject policies', of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

³ February 2010

12. Open Space and Physical Activity: Para. 148 of the **SPP** states that access to opportunities for recreation make important contributions to a healthier Scotland. The planning system has a role in helping to create an environment where physical wellbeing is improved and activity made easier.
13. Landscape and natural heritage : The **Scottish Planning Policy** document recognises the value and importance of Scotland's landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
14. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Partnership Plan 2012 - 2017

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

Structure Plan Policy

Highland Council Structure Plan (2001)

16. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.

17. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
18. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
19. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”

Local Plan Policy

Cairngorms National Park Local Plan (2010)

20. 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>
21. 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.
22. 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.

23. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.
24. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
25. Policy 34 – Outdoor Access: the policy encourages development which improves opportunities for responsible outdoor access and adheres to the Cairngorms Outdoor Access Strategy. Development proposals which would result in a reduction of public access rights or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas) will only be permitted where an appropriate or improved alternative access solution can be secured.

Supplementary Planning Guidance

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

Sustainable Design Guide

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

CONSULTATIONS

29. **Scottish Natural Heritage (SNH)** : SNH has considered the proposal in accordance with the casework agreement which exists between SNH and the CNPA, and the advice from SNH has consequently been provided on the implications of the proposal for designated natural heritage features and European Protected Species. It is noted in the response that the development would cross the Duack Burn, which is a notified tributary of the River Spey Special Area of Conservation (SAC). The SAC has been designated for its supporting Atlantic salmon, otter, sea lamprey and fresh water pearl mussel and the qualifying features relevant to this application are Atlantic salmon and otter. SNH does not consider that the proposed works would have a significant affect on Atlantic salmon. In addition, on the basis of the information that has been submitted in support of the application, including an ecological survey of the site, the proposed works are not considered to have a significant affect on otter. In summary, SNH has no objection to the development proposal.
30. **SEPA** : The proposal has been considered by SEPA and there is no objection.
31. **Highland Council Forestry Service** : There is no objection to the development proposal, although the initial response noted that further detail was required in order to confirm the exact position of the bridge and the extent of associated tree removal. Following the recent receipt of additional information on this matter, the Forestry Officer has now confirmed that there is no objection to the proposal on the basis of the confirmed bridge position and the minimal tree removal proposed.
32. **Planning Gain** : The proposal has been considered by Planning Gain advisors and it is noted that the development would improve accessibility in the area. The development would not be subject to developer contributions.
33. **CNPA Outdoor Access** : The response indicates that the Outdoor Access Team are very supportive of the application and consider that it will provide a safe alternative to the existing road side walk over the Duack Bridge. The development would have a positive impact on the Speyside Way and would also assist in extending the community path network.
34. **CNPA Ecology** : The initial response from the Ecology Officer raised concerns that the extent of information submitted was insufficient to assess the potential impacts of the development on vegetation and invertebrates. In response the applicants have confirmed that the extent of tree felling would be limited and in addition noted that there is no evidence of ant nests in the route of the proposed path on the western side of the burn or in the spruce or birch on the eastern side.
35. **CNPA Landscape** : The Landscape Officer considers that the specification for the bridge and the associated path are appropriate to the site and that the intended construction method would be sufficiently tight to avoid any significant construction related impacts.

REPRESENTATIONS

36. The proposal was advertised in the Strathspey and Badenoch Herald on the 25th May 2012. No representations have been received.

APPRAISAL

Principle

37. The proposed development is a community initiative on land on which the principle of a woodland project, including the development of paths, a pond and various landscaping works has already been accepted. The details provided by the applicant in support of the current proposal confirm that it remains the intention of the community to progress that larger scale project when an appropriate level of finance is available. The current proposal is a smaller project, which can be undertaken in the near future. It has been confirmed that both the permitted and proposed projects will complement one another and the undertaking of one would not hinder the delivery of the other. Having accepted the principle of a similar, but larger development proposal, the works proposed in the current application are acceptable in principle. The development of the boardwalk, bridges and path accords with Policy 34 (Outdoor Access) of the CNP Local Plan, which encourages opportunities for responsible access.
38. Details have been provided to explain the purpose of the proposed development. It has been clarified that it would provide an alternative for walkers and cyclists to avoid venturing onto the roadside and crossing the Duack Burn via the existing roadbridge, in which they may be in conflict with passing traffic. The new development would have multiple beneficial purposes, in providing a safe crossing of the burn, potentially removing a hazardous situation from the narrow roadbridge, and also providing an opportunity for users to experience some of the natural qualities of the area and connect with the existing path network.

Design specification

39. The plans which were initially submitted in support of the proposal were limited and failed to provide adequate information on the full extent of the path proposed, or the impacts of the development on the natural heritage features of the surrounding area. Information which was subsequently submitted addressed those deficiencies and included clarification on the full extent of the works, the precise identification of the burn crossing, confirmation that the working corridor during construction would be limited in size to 7 metres, and clarification that the extent of tree felling to facilitate the development would be limited to a total of 6 trees.
40. The boardwalk design is considered an acceptable means of providing a path across the open and wet field area. It is a commonly used design feature when constructing paths in such wetland areas and aesthetically it offers the potential to assimilate well with its semi rural setting on the periphery of the village, with the woodland area as a backdrop. Similarly, the proposed ramp and bridge is of a design and construction material which is appropriate to its location. The

final element of the development – the 80 metre path, is also an appropriate and low key approach to provide the final element to link the development to the existing nearby track. The route identified has been selected for its minimum impact, which avoids excessive tree felling. The overall design accords with the requirements of Policy 16 (Design Standards for Development) of the CNP Local Plan. In particular it demonstrates the use of materials that will complement the setting of the development and has been designed to create an environment that can be enjoyed by a variety of users.

Conclusion

41. The proposal is considered to be acceptable in terms of compliance with planning policy, design and the impact on the landscape and natural heritage of the area. The proposal will create improved access opportunities in the area and would also complement the larger woodland project in the vicinity, in the event of that project being undertaken in the future.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

42. The proposed development is of a limited scale and construction activities would be curtailed to a relatively narrow working corridor. The nature of the built structures and the construction techniques involved are generally sensitive to the natural heritage features of the area. The route of the new path has been selected to follow an existing sward beaten path and thereby avoids tree felling. Although some tree felling is necessary in the area in which the ramp is proposed, it is of a limited extent and involves relatively immature trees.

Promote Sustainable Use of Natural Resources

43. The boardwalk, ramp and ditch and burn crossings would be predominantly constructed of timber and as such the proposal can be considered to contribute to this aim.

Promote Understanding and Enjoyment of the Area

44. The proposed development would provide a safe alternative route for users of the Speyside Way and the community path network, rather than the current situation which necessitates use of the road bridge across the Duack Burn. The development would therefore accord with this aim and would provide a safe and enjoyable alternative route through the area.

Promote Sustainable Economic and Social Development of the Area

45. The proposal is of limited relevance to this aim, although it could be considered that improvements to the Speyside Way and other community path networks in the area may attract increased numbers of units, which would in turn have the potential have a beneficial impact on the economy of the area.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT planning permission for the construction of a pedestrian footbridge and associated access duckboard path across the Duack Burn, and an adjoining 80 metres path, on land to the south west of Swamp Castle, 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 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

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

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

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

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

Mary Grier

planning@cairngorms.co.uk

8 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.